



# भारत का राजपत्र The Gazette of India

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No. 6] NEW DELHI, FEBRUARY 11—FEBRUARY 17, 2024, SATURDAY/MAGHA 22—MEGHA 28, 1945

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं  
Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

वित्त मंत्रालय  
(राजस्व विभाग)

नई दिल्ली, 16 जनवरी, 2024

का.आ. 244.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप-नियम (4) के अनुसरण में राजस्व विभाग के केन्द्रीय अप्रत्यक्ष कर एवं सीमाशुल्क बोर्ड के अधीन, निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है:

1. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, आगरा
2. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, अपील इलाहाबाद
3. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, अपील लखनऊ
4. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, अहमदाबाद (उत्तर)
5. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, इलाहाबाद
6. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, कानपुर
7. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, पंचकुला, (लेखा परीक्षा)
8. मुख्य आयुक्त, लखनऊ जोन

9. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, लखनऊ, (लेखा परीक्षा)
10. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, लखनऊ
11. केन्द्रीय माल और सेवा कर एवं केन्द्रीय उत्पाद शुल्क, वाराणसी
12. सीमा शुल्क, (नि.) जामनगर
13. सीमा शुल्क (नि.) मण्डल, गोरखपुर
14. सीमा शुल्क (नि.) मण्डल, नौतनवां
15. सीमा शुल्क (नि.) मण्डल, बरेली
16. सीमा शुल्क, (नि.) मण्डल लखनऊ
17. सीमा शुल्क (नि.) मण्डल, वाराणसी
18. सीमा शुल्क, (नि.) लखनऊ
19. कार्यालय आयुक्त (अपील), केन्द्रीय माल और सेवा कर आयुक्तालय, चंडीगढ़

[फा. सं. ई-11017/3/2017- हिन्दी-2-अधिसूचना]  
ले.कर्मल एम.के.सिंह, निदेशक (राजभाषा)

### MINISTRY OF FINANCE

#### (Department of Revenue)

New Delhi, the 16th January, 2024

**S.O. 244.**—In pursuance of sub-rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, the following offices under Central Board of Indirect Taxes and Customs, Department of revenue where more than 80% staff has acquired the working knowledge of Hindi:

1. Central Goods and Service Tax and Central Excise, Agra
2. Central Goods and Service Tax and Central Excise, Appeal Allahabad
3. Central Goods and Service Tax and Central Excise, Appeal Lucknow
4. Central Goods and Service Tax and Central Excise, Ahmedabad (North)
5. Central Goods and Service Tax and Central Excise, Allahabad
6. Central Goods and Service Tax and Central Excise, Kanpur
7. Central Goods and Service Tax and Central Excise, Panchkula, (Audit)
8. Chief Commissioner, Lucknow Zone
9. Central Goods and Service Tax and Central Excise, Lucknow, (Audit)
10. Central Goods and Service Tax and Central Excise, Lucknow
11. Central Goods and Service Tax and Central Excise, Varanasi
12. Customs, (Pre.) Jamnagar
13. Customs (Pre.) Division, Gorakhpur
14. Customs (Pre.) Division, Nautanwa
15. Customs (Pre.) Division, Bareilly
16. Customs, (Pre.) Division Lucknow
17. Customs (Pre.) Division, Varanasi
18. Customs, (Pre.) Lucknow
19. Office of the Principal commissioner (Appeals), Central Goods and Service Tax Appeals Commissionerate, Chandigarh

[F. No. E-11017/3/2017- Hindi-2-Notification]

Lt. col. M. K. SINGH, Director (OL)

## (व्यय विभाग)

नई दिल्ली, 24 जनवरी, 2024

का.आ. 245.—केन्द्र सरकार, राजभाषा (संघ के शासकीय प्रयोजन के लिए प्रयोग) नियम के नियम 10 के उप-नियम (4) के अनुसरण में, भारतीय लेखापरीक्षा और लेखा विभाग के तहत प्रधान महालेखाकार (लेखा एवं हकदारी) झारखंड, रांची का कार्यालय, जिसमें अस्सी प्रतिशत कर्मचारियों ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है।

[फा. सं. ए-12034/03/2023-ईजी]

परमा सेन, अपर सचिव

## (Department of Expenditure)

New Delhi, the 24th January, 2024

S.O 245.—In pursuance of sub-rule (4) of rule 10 of the Official Languages (Use for Office purpose of the Union) Rules, the Central Government hereby notifies the Office of the Principal Accountant General (Accounts and Entitlement) Jharkhand, Ranchi under the Indian Audit and Accounts Department wherein eighty percent of the staff have acquired the working knowledge of Hindi.

[F. No. A-12034/03/2023-EG]

PARAMA SEN, Addl. Secy.

## विदेश मंत्रालय

## (सी.पी.वी. प्रभाग)

नई दिल्ली, 7 फरवरी 2024

का.आ. 246.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद् द्वारा, केन्द्र सरकार भारत के दूतावास, जकार्ता में मनीष शर्मा, सहायक अनुभाग अधिकारी, को दिनांक 07 फरवरी 2024 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. T.4330/01/2024(06)]

एस.आर.एच. फहमी, निदेशक (सीपीवी)

## MINISTRY OF EXTERNAL AFFAIRS

(CPV Division)

New Delhi, the 7th February, 2024

S.O. 246.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Manish Sharma, Assistant Section Officer, as Assistant Consular Officer in Embassy of India, Jakarta to perform the Consular services with effect from 07 February 2024.

[F. No. T. 4330/01/2024(06)]

S.R.H FAHMI, Director (CPV)

## कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

## (कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 29 दिसम्बर, 2023

का.आ. 247.—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार, गृह, कारागार

एवं आपदा प्रबंधन विभाग की अधिसूचना सं. 10/सीबीआई-416/2021-474/रांची, दिनांक 15.02.2022, अनुवर्ती शुद्धिपत्र सं. 10/सीबीआई-416/2021-2010/रांची, दिनांक 20.05.2022 तथा शुद्धिपत्र सं. 10/सीबीआई-416/2021-5276/रांची, दिनांक 08.11.2023 के माध्यम से जारी सम्मति से भारतीय दंड संहिता की धारा 420/467/468/471/34 के तहत कारित अपराधों के लिए डोरंडा थाना (जिला रांची) में दर्ज मामला सं. 03/2019, दिनांक 02.01.2019 से संबंधित अपराध(धों) का अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त झारखंड राज्य में करती है।

[फा. सं. 228/65/2023-एवीडी-II]

कुंदन नाथ,, अवर सचिव

## MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

### (Department of Personnel and Training)

New Delhi, the, 29th December, 2023

**S.O. 247.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification No. 10/CBI-416/2021-474/Ranchi dated 15.02.2022, subsequent Corrigendum No. 10/CBI-416/2021-2010/Ranchi dated 20.05.2022 and Corrigendum No. 10/CBI-416/2021-5276/Ranchi dated 08.11.2023, Home, Prisons and Disaster Management Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Jharkhand for investigation into the offence(s) relating to Doranda P. S. (Ranchi District) Case No. 03/2019 dated 02.01.2019 registered for committing offences U/s 420/467/468/471/34 of IPC, and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/65/2023-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 3 जनवरी, 2024

**का.आ. 248.**—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए राजस्थान राज्य सरकार की अधिसूचना सं. एफ.19(52)गृह-5/2023 दिनांक 05.12.2023, गृह (गृ.-V) विभाग, जयपुर के माध्यम से जारी सम्मति से, श्री नरेंद्र कुमार राई @ एन.के राई एजीई (कांट्रैक्ट) ई-8, कार्यालय गैरिसन इंजीनियर, एमईएस, कोटा राजस्थान के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का 49) (2018 के अधिनियम 16 द्वारा यथा संशोधित) की धारा 7 के तहत दंडनीय अपराध(धों) के संबंध में, सीबीआई/एसीबी/जयपुर में दर्ज शिकायत सं. सीए0302023ए0109 से उत्पन्न, अपराध(धों) का अन्वेषण तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा एवं/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त राजस्थान राज्य में करती है।

[फा.सं. 228/64/2023-एवीडी-II]

कुंदन नाथ, अवर सचिव

New Delhi, the, 3rd January, 2024

**S.O. 248.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Rajasthan, issued vide Notification No.F.19(52)Home-5/2023 dated 05.12.2023, Home (Gr.-V) Department, Jaipur, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Rajasthan for investigation into the offences(s) punishable under section 7 of Prevention of Corruption Act, 1988 (49 of 1988) (as amended by the Act 16 of 2018) arising out of the complaint No. CA0302023A0109 registered at CBI/ACB/Jaipur against Shri Narendra Kumar Rai @ N.K. Rai AGE (Contract) E-8, O/o Garrison Engineer, MES, Kota Rajasthan and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/64/2023-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 12 जनवरी, 2024

**का.आ. 249.**—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखंड राज्य सरकार, गृह, कारागार एवं आपदा प्रबंधन विभाग, रांची, झारखंड की अधिसूचना सं. 10/सीबीआई-416/2023-5936/रांची, दिनांक 14.12.2023 के माध्यम से जारी सम्मति से श्री विन्सेंट सैमुअल सोरेन्ग सुपुत्र श्री अजीत सोरेन्ग द्वारा श्री संजय कुमार, डाक सहायक, एसएसपीओ, डाल्टनगंज, के विरुद्ध भ्रष्टाचार निवारण अधिनियम, 1988 (वर्ष 2018 में यथासंशोधित) की धारा 7 के तहत कारित अपराधों के लिए दिनांक 22.11.2023 को दर्ज करायी गई शिकायत, जिसके आधार पर दिनांक 17.12.2023 को एक सीबीआई मामला सं. आरसी0242023ए0012 दर्ज किया गया है, से उत्पन्न अपराध (धों) का अन्वेषण करने के लिए तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 17.12.2023 से) समस्त झारखंड राज्य में करती है।

[फा. सं. 228/02/2024-एवीडी-II]

कुंदन नाथ, अवर सचिव

New Delhi, the, 12th January, 2024

**S.O. 249.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification No.10/C.B.I-416/2023-5936/Ranchi dated 14.12.2023, Home, Prisons and Disaster Management Department, Jharkhand, Ranchi, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f. 17.12.2023) to the whole State of Jharkhand for investigation into the offence(s) arising out of the complaint dated 22.11.2023 lodged by Shri Vincent Samuel Soreng S/o Ajit Soreng, against Shri Sanjay Kumar, Postal Assistant, SSPO, Daltonganj u/s 7 of PC Act, 1988 (as amended in 2018), based on which a CBI case RC0242023A0012 has been registered on 17.12.2023 and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/02/2024-AVD-II]

KUNDAN NATH, Under Secy.

नई दिल्ली, 12 जनवरी, 2024

**का.आ. 250.**—केन्द्र सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए ओडिशा राज्य सरकार की अधिसूचना सं. 46891/पार्ट1-गृह-सीपीएम-विविध-0053-2023/सीपी&एम, दिनांक 30.11.2023, ओडिशा राज्य सरकार, गृह विभाग के माध्यम से जारी सम्मति से श्री उदित जेना उर्फ उदित उर्फ उदित बिदिका, ग्राम मुकुंदपुर, जिला रायगढ़ के संदिग्ध निवासी और एम. देवासिस नायक उर्फ देवासिस उर्फ देवासिस नायक, जिला रायगढ़, ओडिशा के संदिग्ध निवासी, जो अन्य अज्ञात व्यक्तियों, जिनमें एक ब्रिटिश नागरिक भी शामिल हैं, के साथ आपराधिक षड्यंत्र कारित कर वर्ष 2016 और इससे आगे से ले कर आज की तारीख तक बच्चों को स्पष्ट रूप से यौन क्रियाओं में संलिप्त होते हुए दर्शाने वाले वाले ऑनलाइन बाल यौन शोषण की सामग्री (सीएसएम) के सृजन, संग्रहण और प्रसार में संलिप्त हैं, के विरुद्ध सूचना एवं प्रौद्योगिकी अधिनियम, 2000 की धारा 67-बी और पाँक्सो अधिनियम, 2012 की धाराएँ 14 & 15 के तहत दण्डनीय अपराध(धों) का अन्वेषण करने के लिए तथा इस मामले के अन्वेषण करने के दौरान प्रकाश में आए किसी अन्य अपराध का अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त ओडिशा राज्य में करती है।

[फा. सं. 228/01/2024-एवीडी-II]

कुंदन नाथ, अवर सचिव

New Delhi, the, 12th January, 2024

**S.O. 250.**—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Odisha, issued vide Notification No.-46891/PT1-HOME-CPM-MISC-0053-2023/CP&M, dated

30.11.2023 Government of Odisha, Home Department hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole State of Odisha for investigation into the offence(s) punishable under section 67-B of IT Act 2000, under section 14 & 15 of POCSO Act 2012 against Shri Udit Jena @ Udit @ Udit Bidika, a suspected resident of village Mukundpur, Distt. Rayagada and M. Debasis Naik @ Debasis @ Debasis Naik, suspected resident of Distt. Rayagada, Odisha who, in criminal conspiracy with unknown others including a British National, are involved in creation, collection and circulation of online Child Sexual Abuse Material (CSAM), depicting children in sexual explicit manner from the year 2016 onwards to till date and any other offence that may come to the light during investigation of this case including any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/01/2024-AVD-II]

KUNDAN NATH, Under Secy.

### कोयला मंत्रालय

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 251.**—केंद्र सरकार, कारखाना अधिनियम, 1948 (1948 का 63) की धारा 2 के खंड (ढ) के प्रथम उपबंध के खंड (iii) द्वारा प्रदत्त शक्तियों के अनुसरण में एतद्वारा निम्न तालिका के कॉलम (3) में निर्दिष्ट अधिकारियों को उक्त तालिका के कॉलम (2) में निर्दिष्ट एनएलसी इंडिया लिमिटेड (एनएलसीआईएल), जिसका पंजीकृत कार्यालय सं. 135, ईवीआर पेरियार हाई रोड, किलपॉक, चेन्नई -600010 में है, के संबंधित कारखाने या वर्कशॉप के "अधिष्ठाता" के रूप में नियुक्त करती है, अर्थात:-

क्र.सं.	कारखाने का नाम (सौर विद्युत संयंत्र)	अधिष्ठाता के रूप में नियुक्त किए जाने वाले अधिकारी का पदनाम
1	एनएलसी इंडिया लिमिटेड 50 मेगावाट सौर विद्युत संयंत्र ब्लॉक -1, नेयवेली	उप महा प्रबंधक/ महा प्रबंधक/ मुख्य महा प्रबंधक
2	एनएलसी इंडिया लिमिटेड 15 मेगावाट सौर विद्युत संयंत्र ब्लॉक -16, नेयवेली (विल्लुदियानपट्टू मंदिर के पास )	
3	एनएलसी इंडिया लिमिटेड 40 मेगावाट सौर विद्युत संयंत्र ब्लॉक -5, नेयवेली	
4	एनएलसी इंडिया लिमिटेड 25 मेगावाट सौर विद्युत संयंत्र कोल्लीरुप्पु, नेयवेली	
5	एनएलसी इंडिया लिमिटेड 10 मेगावाट सौर विद्युत संयंत्र डॉलगंज, अंडमान और निकोबार द्वीप समूह	
6	एनएलसी इंडिया लिमिटेड 10 मेगावाट सौर विद्युत संयंत्र अट्टमपहाड़, अंडमान और निकोबार द्वीप समूह	
7	एनएलसी इंडिया लिमिटेड 10 मेगावाट कैप्टिव सौर विद्युत संयंत्र, ब्लॉक -28 एवं 29, नेयवेली	

2. एनएलसी इंडिया लिमिटेड के अध्यक्ष-सह-प्रबंध निदेशक एतद्वारा संबंधित पदों पर ऐसे अधिकारियों को नाम से नामांकित करने के लिए प्राधिकृत हैं, जो कारखानों के अधिष्ठाताओं के रूप में पदनामित हैं, जैसा कि ऊपर बताया गया है।

[फा. सं. 38026/1/2013-सीए II]

सीमा गोवर, अवर सचिव

**MINISTRY OF COAL**

New Delhi, the 9th February, 2024

**S.O. 251.**—In pursuance of the powers, conferred by clause (iii) of the first provision to clause (n) of Section 2 of the Factories Act, 1948 (63 of 1948), the Central Government hereby appoints officers specified in column (3) of the Table below as “Occupier” of the respective factory or workshop of NLC India Limited (NLCIL), specified in column (2) of the said Table having its registered office at No.135, EVR Periyar High Road, Kilpauk, Chennai-600 010, namely:

Sl. No.	Name of the Factory (Solar Power Plant)	Designation(s) of Officer to be appointed as Occupier
1	NLC India Limited 50 MW Solar Power Plant, Block-1, Neyveli	Deputy General Manager/ General Manager/ Chief General Manager
2	NLC India Limited 15 MW Solar Power Plant, Block-16, Neyveli (near Villudiyampattu Temple)	
3	NLC India Limited 40 MW Solar Power Plant, Block-5, Neyveli	
4	NLC India Limited 25 MW Solar Power Plant, Kolliruppu, Neyveli	
5	NLC India Limited 10 MW Solar Power Plant, Dollgunj, Andaman & Nicobar Islands	
6	NLC India Limited 10 MW Solar Power Plant, Attampahad, Andaman & Nicobar Islands	
7	NLC India Limited 10 MW Captive Solar Power Plant, Block-28 & 29, Neyveli	

2. The Chairman-cum-Managing Director of NLC India Limited is hereby authorized to nominate by name such officers to the respective positions, who are designated as occupiers of the factories, as indicated above.

[F. No. 38026/1/2013-CA II]

SEEMA GROVER, Under Secy.

**विद्युत मंत्रालय**

नई दिल्ली, 13 फरवरी, 2024

**का.आ. 252.**—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड के निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:

1. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,  
220/132 केवी सिलिगुड़ी उपकेंद्र, विद्युत नगर,  
सैटेलाइट टाउनशिप, जिला- जलपाईगुड़ी,  
पश्चिम बंगाल-734015
2. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,  
400/220 के.वी. राजारहाट जीआईएस उपकेंद्र, टोना,  
पोस्ट- माचिभांगा, काशीपुर, ब्लॉक- भांगर-II,  
जिला- दक्षिण 24 परगना, कोलकाता- 700135

3. पावर ग्रिड कॉर्पोरेशन ऑफ इंडिया लिमिटेड,  
400/220/132 के.वी. मालदा उपकेंद्र, मलिहा,  
जिला- मालदा, पश्चिम बंगाल- 732102

[फा. सं. 11011/01/9/2024-हिंदी]

धीरज कुमार श्रीवास्तव, मुख्य अभियंता (ईसी, ईटी एवं ईवी, पीपीएम तथा प्रभारी राजभाषा)

### MINISTRY OF POWER

New Delhi, the 13th February, 2024

**S.O. 252.**—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of Power Grid Corporation of India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi:

1. Power Grid Corporation of India Limited,  
220/132 KV Siliguri Substation, Vidyut Nagar,  
Satellite Township, Dist.: Jalpaiguri,  
West Bengal-734015
2. Power Grid Corporation of India Limited,  
400/220 KV Rajarhat GIS Substation, Tona,  
P.O-Machibhanga, Kashipur, Block-Bhangar-II,  
Dist.-South 24 Paraganas, Kolkata-700135
3. Power Grid Corporation of India Limited,  
400/220/132 KV Malda Substation, Maliha,  
Dist.-Malda, West Bengal-732102

[F. No. 11011/01/9/2024- Hindi]

DHIRAJ KUMAR SRIVASTAVA, Chief Engineer (EC, ET & EV, PPM and In-Charge O.L.)

### श्रम और रोजगार मंत्रालय

नई दिल्ली, 30 जनवरी, 2024

**का.आ. 253.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय हैदराबाद, के पंचाट (संदर्भ संख्या 129/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21/01/2024 को प्राप्त हुआ था।

[सं.एल. 22012/84/2018,आई. आर. (सीएम-II)]

मणिकंदन. एन, उप निदेशक

### MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 30th January, 2024

**S.O. 253.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 129/2018) of the Central Government Industrial Tribunal-cum-Labour Court Hyderabad as shown in the Annexure, in the industrial dispute between the Management of Singareni Collieries Company Ltd and their workmen, received by the Central Government on 21/01/2024.

[No. L-22012/84/2018 – IR (CM-II)]

MANIKANDAN. N, Dy. Director



**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 25<sup>th</sup> day of October, 2023**INDUSTRIAL DISPUTE No. 129/2018**

Between:

Sri Kothuri Rajkumar,

H.No.16-2-24, Bellampalli No.2 Basthi,

Tq. Asifabad,

Adilabad (Telangana) – 504 001.

.....Petitioner

AND

The General Manager,

M/s. Singareni Collieries Company Ltd.,

Sreerampur Area, Sreerampur –Distt.

Mancherla – 504303.

... Respondent

Appearances:

For the Petitioner : Party in Person

For the Respondent : Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-22012/84/2018-IR(CM.II) dated 5.11.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam-I Area, Godavarikhani, Peddapalli Dist(TS), in terminating the services of Sri Kothuri Rajkumar, Ex-Badli Filler, RK-5 Inc., SCCL., Sreerampur Area with effect from 16.5.2011 is justified or not? If not, to what relief the applicant is entitled for ?”

The reference is numbered in this Tribunal as I.D. No. 129/2018 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for filing of claim statement Petitioner remained absent despite sufficient number of opportunities have been provided to him. It thus becomes crystal clear that the petitioner seems to be not interested in pursuing his case. Due to absence of Petitioner and non-filing of claim statement case is dismissed for default and a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, and corrected by me on this the 25<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

## Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 30 जनवरी, 2024

**का.आ. 254.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय हैदराबाद**, के पंचाट (संदर्भ संख्या **57/2007**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **21/01/2024** को प्राप्त हुआ था।

[सं. एल. 22012/199/2007.आई. आर. (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 30th January, 2024

**S.O. 254.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 57/2007**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd** and their workmen, received by the Central Government on **21/01/2024**.

[No. L-22012/199/2007 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD**

Present: **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 14<sup>th</sup> day of December, 2023**INDUSTRIAL DISPUTE No. 57/2007**

Between:

The General Secretary,

(Sri Riyaz Ahmed),

Singareni Miners &amp; Engg. Workers Union (HMS),

Qtr. No.C-34, Sector-I,

Godavarikhani,

Karimnagar – 505209.

..... Petitioner

AND

The Chief General Manager,

M/s. Singareni Collieries Company Ltd.,

Ramagundam –I Divn.,

Godavarikhani.

.... Respondent

Appearances:

For the Petitioner : M/s. Ch. Venkat Raman &amp; G.V. Ranjeet Kumar, Advocates

For the Respondent: Sri Y. Ranjeeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/199/2007-IR(CM-II) dated 24.9.2007 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

**SCHEDULE**

Whether the action of the management M/s SCCL in imposing the punishment of stoppage of two increments with cumulative effect vide order No.CRP/PER/IR/D/99/7213 dated 14.9.2005 in respect of Sri Jagiri Rajanna is legal and justified? If not, to what relief the workman is entitled?"

The reference is numbered in this Tribunal as I.D. No. 57/2007 and notices were issued to the parties concerned.

2. **The averments made in the claim statement are as follows:** It is submitted that the workman Sri Jagiri Rajanna was initially appointed on 8.8.1992 as Badli Filler, thereafter he was made as General Mazdoor. While in service the workman has appeared and passed various mining examinations, such as Mining Sirdar and Overman. Accordingly, the workman was promoted as Mining Sirdar in 1996 and further promoted as Overman in the year 1998, since then the workman is being continued in the same post. While so a charge sheet dated 14.9.2005 was issued, alleging that, on 24.8.2004 in first shift/Relay-B, the workman was the District Overman for 4S/SS-20 District and that, there was an accident occurred to Sri Thoka Kiran at 52 No. Dip slice, 47 1/2 LN/3D, while he was shoveling at the phase, a coal piece measuring 2.35 meter length into 0.10-0.90 meters width into 0.10-0.35 meter thick parted from the side and fell on his head, inflicting injuries 'contusion extending from lateral canthus of right eye to occiput (deep puncture wound post aspect of neck)". Basing on the above incident, petitioner was alleged to have violated the provisions of Regulation-43(1)(d), 43 (1)(e), 43 (8)(a), 190 of CMR 1957, Condition No.2.2 of Permission Letter and also SSR cir.tech. 9/1985. On receipt of the above charge sheet, workman has submitted his explanation on 16-11-2004 denying the charges. However, without considering any of the submissions made by the workman a routine and mechanical enquiry was conducted and the enquiry officer submitted his report, holding charges as proved. Consequently a show cause notice dated 4-8-2005 was issued, duly enclosing the report of the enquiry officer, to which the workman has submitted his reply on 8-8-2005. However, without considering any of the submissions made by the workman, an office order dated 14-9-2005 was issued, imposing a penalty of stoppage of two increments with cumulative effect. Though, the Singareni Miners and Engineering Workers Union, to which the workman is a member has requested the management to cancel the office order dated 14-9-2005, as the workman is no way responsible for the accident occurred. However, as the management has not come forward to cancel the proceeding dated 14-9-2005, union left with no other alternative except to raise an industrial dispute, which ultimately ended in failure. Hence, this reference. It is submitted that, issuance of charge sheet and inviting explanation is not a mere formality. Having issued the charge sheet, invited explanation, it is incumbent on the part of the Disciplinary Authority to consider the explanation submitted by the workman in true perspective, only thereafter authorities can decide, whether to conduct departmental enquiry or not. However, in the instant case, without any application of mind, the respondent initiated enquiry, without even considering the submissions made by the workman vide his reply dated 16-11-2004. This itself is an indication of predetermination on the part of the respondent. It is submitted that during the course of enquiry, management examined five witnesses i.e., MW-1 to MW-5. MW-1 is the Safety Officer, who stated to have conducted the preliminary enquiry, MW-2 is the Senior Under Manager of the Mine. Either of them are eyewitnesses to the incident. Therefore, their evidence cannot be taken into consideration, to prove the guilt on the part of the workman. In so far as MW-3 is concerned, he is a timber man, who was at the same place where the accident occurred, MW-3 categorically deposed that "they have arranged stay props to the overhangs on the south side of the phase and after dewatering the phase, Sardar and Overman have arranged dressing and only thereafter the fillers were permitted to lift the coal. After blasting the phase, once again the dressing was done in the presence of Sardar and Overman and even after such blast and dressing, the coal fillers filled another 5 tubs of coal. Thereafter the Timber man have erected the supports. At that juncture, he heard the huge sound and loud voices of fillers in the phase. Immediately he rushed to the spot and found one coal filler fell down on the floor". Even MW-4 and MW-5 also deposed categorically that, the dressing was properly done and props and chocks were erected, where ever the overhangs were there. In so far as the accident spot is concerned, there were no overhangs. It is further submitted that the evidence of MW-3 to MW-5 clearly goes to show that, the workman is no way responsible for the accident occurred and he has taken all the possible preventive measures, which are to be taken as per the Coal Mines Regulations. However, ignoring the evidence of eyewitnesses i.e., MW-3 to MW-5, the enquiry officer gave more importance and weight to the evidence of MW-1 and MW-2 and wholly relying the evidence of MW-1 and MW-2, the enquiry officer prepared his report. The manner and method in which the Enquiry Officer submitted his report shows that he was predetermined and prejudged the issue. It is to submit that, during the enquiry the workman categorically pleaded that not only himself, but even Sardar, Shot Firer have taken all preventives required under Coal Mine Regulations, Mining Sardar has done inspection and secured the roof and sites and he had taken all care to do so. Even the workman has taken utmost care, so as to secure the safety men under his control and there was no lapse on his part in any manner. However, the enquiry officer curiously opined

that, “ the onus of proving that his subordinate officials are guiltless, shifted on to the charge sheeted employee. However, he did not substantiate any way his claim with any sort of witness or circumstantial evidence”. It is submitted that, it is for the Presenting Officer to establish the charge with cogent evidence, but it is not for the delinquent to disprove charges. As a result of the above wrong approach of the enquiry officer, the whole enquiry was vitiated and impugned order caused to be issued. As a matter of fact, during the workman's inspection of working phase of 52 No. Dip slice of 42 % LN of 3 Dip, workman found that the phase was properly supported and he even instructed the Mining Sardar to lift the pole in bottom upto stone floor and to erect new supports on the hard floor. When the workman visited the place of 47 ½ LN, 3 Dip after the blasting, dressing of sides was done. As a matter of fact, despite precautions taken by the workman, the blast occurred on account of sudden bumping. As submitted supra, MW-1 and MW-2 are not eyewitnesses, therefore simply because MW-1 and MW-2 reiterated workman's guilt, does not mean that, he is am guilty of charges. A bare perusal of evidence of MW-3 to MW-5 read with workman's deposition categorically establish that, the unfortunate death of Kiran was not occurred either on the part of the workman nor on the part of his subordinates. It was a sudden bumping, as a result of which, side fall occurred. As a matter of fact there were no over hangs near the spot of accident. Even the overhangs which were existing on the south side were supported by stay props. The contention of the enquiry officer that the one of the reasons for accident was width of the slice was 4.9 meters instead of 3.6 meters, is concerned, 4.9 meters of width of the slice was existing for more than 9 shifts in depillaring section and it was there for 18 meters progressed phase. Not only the workman, but all the higher officials including MW-1 and MW-2 had been visiting along with regular Colliery Manager and none of them have raised any objection at any point of time. Be that as it may, the workman is only an Overman and he is not competent to decide the width of the slice. It is only the Colliery Manager or the MW-1 or MW-2 or any other officers above their rank, who can take a decision, but not the workman. On that pretext, the workman cannot be held responsible for the accident occurred on account of sudden bumping. The further contention of the enquiry officer that, the over hang on the south side of the phase was not supported for 2.5 meters distance from the phase has nothing to do with the accident occurred, as the accident occurred at a far distant place, but not at the place where the alleged over hang was existing on the south side. In so far as the contention of the enquiry officer that “misfire shot was there at the north side of the phase, which was not relieved before allowing the coal fillers for lifting the coal” is not supported by any valid evidence on record. None of the eyewitnesses deposed in this regard, except the MW-1 and MW-2, who are not eyewitnesses. The evidence of MW-3 to MW-5 clearly establish that, the sides were properly dressed and even the overhangs were properly supported by stay props. The workman in his defence categorically deposed all these issues, however ignoring the deposition of the workman and exclusively relying upon the MW-1 and MW-2, the EO submitted his report. It is submitted that, in reply to the show cause notice dt.4-8-2005, the workman has submitted a detailed representation dt.8-8-2005. The workman prayed to treat the contents of his explanation dt.8-8-2005 as part and parcel of this claim statement for proper appreciation of the facts, as the workman is avoiding to repeat the same for brevity. Unfortunately, while issuing the impugned office order dt.14-9-2005 none of his submissions were considered and no reasons were furnished as to why the explanation submitted by the workman dt.8-8-2005 was not found appealing. On this ground alone office order dated 14-9-2005 is liable to be set-a-side and It is no more a res integra that, the statements obtained during the course of preliminary enquiry would become redundant, once a decision is taken to hold the regular departmental enquiry or not. Once such a decision is taken and regular enquiry officer is appointed it is incumbent on the part of the regular enquiry officer to conduct enquiry and come to a conclusion exclusively basing on the evidence adduced during the course of regular enquiry, but not statements obtained during the course of preliminary enquiry. However, contrarily, the regular departmental enquiry officer relied upon the statements obtained during the course of preliminary enquiry to arrive at a conclusion the workman is guilty of charges. Basing on such perverse findings office order dated 14.9.2005 was issued. It is submitted that the violations alleged against the workman are general in nature, there is no specific and categorical misconduct alleged against the workman. Even otherwise also, workman being a overman has to look after various districts under his control, not only one specific district. In the instant case, the workman has to look after 56 level to 36 level and each district will be manned by one mining sardar. Apart from this inspection of pumps, old working stations, haulage and traveling road way etc. are to be looked after by workman. Therefore, simply because an accident occurred, workman cannot be made as scapegoat without pin pointing or proving the actual misconduct committed by him. The whole enquiry was conducted in a routine and mechanical manner with a predetermined intention to put the petitioner to extreme hardship of dismissal from service. The Disciplinary Authority failed to apply his mind independently while issuing the impugned office order of dismissal dt.7-8-2005, as he did not delve into the alleged misconduct and the punishment proposed to be inflicted upon the petitioner. Before commencement of enquiry, the procedure of enquiry was not explained to the petitioner and he was not offered the assistance of any defense assistance. As the petitioner was not aware of procedure of enquiry, he could not participate the enquiry effectively, resulting in issuance of impugned order of removal. The enquiry officer relied upon the evidence of irrelevant witnesses, who have no personal knowledge of the charge alleged against the petitioner. Though, enquiry officer relied upon several documents to substantiate the charges, none of those documents were either shown or furnished to the petitioner, either before or during the course of enquiry. Even otherwise also, even the considered documents do not establish the charge alleged against the petitioner. Neither the findings of the Enquiry Officer, nor the impugned order gives any reasons, much less valid in nature. Enquiry Officer grossly erred

in holding the charges as proved, ignoring the submissions of the petitioner. The Enquiry Officer and the Disciplinary Authority proceeded with a preconceived notion, as if, the petitioner accepted the charges alleged against, which is factually incorrect. Neither the Enquiry Officer, nor the Disciplinary Authority considered the submissions made by the petitioner before arriving at a conclusion. Neither the proceedings of enquiry were conducted in the language presently known to the petitioner, nor the same were explained in the language known to the petitioner. In fact, as per the instructions issued by the 1<sup>st</sup> respondent company, the proceedings of enquiry are to be conducted in the language known to the delinquent employee. It is further submitted that he is no way responsible for the accident occurred on 24-8-2004 in first shift/Relay-B, whereat one workman succumbed to the injuries. Though the workman has been working in the company from 1982 onwards, so far, except the charge sheet dt.9-11-2004 workman has not been alleged to have committed any misconduct. In view of the above facts and circumstances increments deferred vide proceeding No.CRPPER/IRID/99/7123 dated 14-9-2005 issued by the Director (PA & W) are liable to be restored to the Petitioner with all consequential benefits. Therefore, it is prayed to declare the proceeding No. CRP/PER/IR/D/99/7123 dated 14-9-2005 issued by the Director (PA & W) as illegal, arbitrary and set aside the same. Consequently direct the Respondent to restore the increments deferred vide office order No.CRP/PERIR/D/99/7123 dt.14-9-2005 issued by the Director (PA & W), duly granting all other consequential benefits.

### 3. **Respondent filed counter denying the averments of the Petitioner as under:**

It is submitted that Mr. Jagiri Rajanna was imposed the punishment of stoppage of two increments with cumulative effect on proved charges after conducting a detailed domestic enquiry duly following the principles of natural justice. It is submitted that respondent be permitted to produce the evidence in case it is held that the domestic enquiry is not valid. It is submitted that the workman was initially appointed in the Company on 08-08-1982 in the respondent company as Badli filler and subsequently promoted as Overman after passing statutory examination and presently working as Head Overman at GDK.No. 8 Incline. It is to submit that on 24-08-2004 in 1<sup>st</sup> Shift in Relay - "B", the workman was engaged as District Overman at GDK 6A Incline for 4S/SS-20 District. Being a District Overman, he is fully in-charge of the said District under statute in respect of Safety of the persons working in the District and also to supervise the works related for safety and progress of the works. Further, it is the prime duty of the District Overman to ensure the safety in the District and sale workings of the workmen working under his control as per 43 (1) (e) of CMR 1957. On 24-08-2004 in I shift Sri Toka Kiran, Badli filler working at 52 No. dip slice, 47 ½ LN/3D was involved in a Fatal Accident due to inflicting injuries on his head occurred due to side fall. As the workman had failed to provide safe working to Sri Toka Kiran, Badli filler, he was charge sheeted vide charge sheet No. RGI/GDK/6A/R.06/3940 Dated 07/09-11-2004 for violation of Company's Standing Order Nos. No. 25.3, 25.5, 25.16 and 25.28 which reads as follows:-

***"25.3 Willful insubordination or disobedience, whether alone or in conjunction with another or others of any lawful or reasonable order of superior.***

***25.5 - Neglect of work.***

***25. 16 -Any breach of the Mines Act 1952 or any other act or any rules or regulations or bye laws there under.***

***25.28- Conduct within the mine's premises or its precincts which endangers life or safety of any person."***

The workman has submitted his explanation dated 16-11-2004. As the explanation submitted by the Workman was found not satisfactory, a Departmental Enquiry was ordered which was conducted by the Enquiry Officer in which the workman had fully participated and fair opportunity was given to him to defend his case and the charges were proved against him beyond doubt. As such, a show cause notice vide Lr.No. RG-I/PER/S/46/3956 Dated 4-8-2005 enclosing therewith a copy of the Enquiry proceedings and Enquiry Report were served to the workman Sri J.Rajanna giving him an opportunity to submit his representation, if any, on the Enquiry Report and accordingly the workman has submitted reply to the show cause notice vide letter dated 08-08-2005. It is submitted that that after considering all the facts of the case and the findings of the Enquiry Officer, the Disciplinary Authority had concurred with the findings of the Enquiry officer and imposed the penalty of 'Stoppage of two increments with cumulative effect' as punishment for the misconduct of Sri J.Rajanna vide Order No. CRP/PER/IR/D/99/7213, dated 14-09-2005. It is denied that without any application of mind, the Respondent initiated enquiry, without even considering the submissions made by the workman vide his reply dated 16-11-2004. It is submitted that it is a fact that during the course of the enquiry, five (5) witnesses on behalf of the Management were examined and recorded their statements. It is the prime duty of the workman as a Overman and incharge of the District and being a competent person under the Mines Act and Coal Mines Regulations 1957 to ensure sale working of the Machine and Men working in the District under his control from time to time as per the statute. The workman clearly admitted in Para - 5 that M.W1 is the Safety Officer who stated to have conducted the preliminary enquiry, M.W 2 is the Senior Under Manager of the Mine and either of them are the eye witnesses to the incident it is denied that the evidence of M.W.- 3 to 5 clearly goes to show that the workman is no way responsible for the accident occurred and he has taken all possible preventive measures, which are to be taken as per Coal Mines Regulations. It is also denied that the manner and method in which the Enquiry Officer submitted his report shows that he was prejudged the issue. It is submitted that it is the duty and responsibility of the workman that the roof and the sides apart from the roadways in the District are properly checked, dressed and secured

to avoid fall of objects / roof / sides / slippery before allowing persons to work in the District. But the workman had failed to do so which the circumstantial evidences have proved and resulted in occurrence of a fatal accident to Sri Toka Kiran. The workman has not taken care, so as to secure the safety of men under his control and there was a clear lapse on his part. It is false to allege that as a result of wrong approach of the Enquiry Officer, the enquiry was vitiated and impugned order caused to be issued. It is to submit that mere inspection of the working place of 52 No. Dip Slice. 47 ½ LN/3D and erection of supports and dressing of the roof and sides is not enough to allow the persons to work unless and until they are carefully secured / dressed / supported from time to time for safe working. It is denied that the overhangs which were existing on the south side were supported by stay props as per S.S.R under regulation 108 of CMR 1957. It is submitted that it is a fact that misfire shot was there on the north side of the face which was not noticed before allowing the coal fillers for lifting the coal. The Workman has failed to report to the higher authorities if the width of the slice is more than specified, and also failed to ensure that "misfire shots" are left out in the face, fortunately nothing happened with the misfire. The circumstantial evidences and as per the findings of the Enquiry Officer the accident took place due to side fall because of overhang on the south side of the face which was not supported as precautionary measure for safety and thus caused for the occurrence of the Fatal Accident to Sri T.Kiran due to improper supporting and supervision. It is further submitted that it is a fact that the workman has submitted a representation dated 08-08-2008 to the show cause notice and the same has been found unsatisfactory by the Disciplinary Authority. Though the misconduct of the workman warrants a severe punishment, a lenient view has been taken and awarded the punishment of 'Stoppage of two increments with cumulative effect' considering his representation. The allegations of the workman that while issuing the impugned order dated 14-09-2005 none of his submissions were considered and no reasons were furnished as to why the explanations submitted by the workman dated 08-02-2005 was not found appealing are denied. It is submitted that the Disciplinary Authority has considered the explanation given by the workman and passed the detailed order. It is submitted that Departmental Enquiry was conducted into the charges levelled against the workman vide charge sheet No. RG-/GDK6AR.06/3940 Dated 07/09-11-2004 by following procedures and principles of domestic enquiry and natural justice. The preliminary enquiry report/statements however will be adding evidence to the statements of the Management witnesses. Hence the domestic enquiry was conducted fairly based on the facts as per laid down procedure. It is submitted that the workman being a District Overman, he is "in charge" of the 4S/SS-20 District and his responsibilities under CMR 1957 as under:

*Regd. No. 43 (1) - He shall be responsible to see that the Subordinate Officials and competent persons in his district carry out their respective duties in a proper manner.*

*Reg.No. 43(1) (e) - He shall, to the best of his power enforced in his district the provisions of the Act, of these regulations and orders made there under, and shall, subject to the control of the Manager and the Under Manager or Assistant Manager, if any, give such directions as may be necessary to ensure compliance with those provisions and to secure the safety to the district and the safety and proper discipline of the persons employed therein.*

*Reg. No. 43(8) (a) - He shall devote the whole of his time to his duties and visit each working place in his district as often as may be necessary or possible.*

*Reg.No. 190 -General Safety :- No person shall negligently or willfully do anything likely to endanger life or limb in the mine, or negligently or willfully omit to do anything necessary for the safety of the mine or of the persons employed therein.*

*Cir.tech.9/1985 - It is hereby clarified that making the roof and sides safe is the responsibility of officials superior to shot-firer i.e. Sirdar, Overman, Asst.Manager and not of the Shot Firer. After the atmosphere in the area is free from dust, smoke or fumes, the shot firer shall inspect the place for misfire, sockets or remnants or explosives. If the area is found safe with respect of atmosphere conditions and presence of sockets etc. his superior officials shall take further action for getting the roof and sides dressed and supported.*

The Workman has failed to comply the above regulations and violated causing for occurrence of a Fatal Accident to Mr. Toka Kiran. It is not correct to allege that simply because an accident occurred, the workman cannot be made scapegoat without pin pointing or proving the actual misconduct committed by him. It is submitted that the workman being statutory person and incharge of the District it is his duty to see that safety conditions are prevailing for the workmen working under his control. It is submitted that the Departmental Enquiry/Domestic enquiry was conducted by following the laid down procedure and principles of natural justice. The allegations of the workman that the whole enquiry was conducted in a routine and mechanical manner with a predetermined intention to some how or the other, put the workman to extreme hardship of dismissal from service is denied. It is submitted that in the beginning of the enquiry, procedure and enquiry has been explained to the workman and asked the workman whether he prefers to have any defense assistant during the enquiry for which he said that he has selected Sri E.Siddi Raju, Head Overman, GDK 6A Incline as his defense assistant and accordingly Sri E.Siddi Raju was allowed as defense assistant in the enquiry. Enquiry Officer has relied upon the evidence of the relevant witnesses and given his finding and it is up to the Enquiry officer to consider, which is relevant statement / document| evidence and however the workman was given fair opportunity to defend himself and to cross examine the Management witnesses at every stage. It is to submit that the Enquiry Officer after considering all the statements of the participants and evidences therein, held the



workman as guilty of the charges levelled against him vide Charge sheet No. RG-I/GDK 6A/R.06/3940 Dated 07/09-11-2004. It is denied that neither the findings of the Enquiry Officer nor the impugned order gives any reason, much less valid in nature. Further, the Enquiry proceedings were conducted in English with the consent of the workman only. It is submitted that being in-charge of the District, the workman is solely responsible for the occurrence of the fatal accident that took place due to improper inspection of the working place and supervision for safe workings of the persons. It is to submit that in view of the above facts and circumstances, awarding the punishment of 'stoppage of two increments with cumulative effect' to the workman is justified. It is submitted that in accordance with Clause - 29 of Standing Orders, a workman on whom any penalty imposed shall have the right to appeal to the Appellant Authority within 45 days of receipt of the order of punishment. The workman though he has received the punishment order on 16-09-2005 did not prefer any appeal against the Order and as such it is clear that he did not have any grievance on the punishment imposed by the Disciplinary Authority.

4. Heard arguments of Learned Counsels for both the parties as well as perused written arguments.

5. **From the perusal of the rival pleadings and submissions made by both the parties, following points emerge for determination in the present matter:-**

I. Whether the Departmental Enquiry held against the Petitioner is legal and valid?

II. Whether the action of the Management of M/s. Singareni Collieries Company Ltd., in imposing the punishment of stoppage of two increments with cumulative effect vide order No.CRP/PER/IR/ D/99/7213 dated 14.9.2005 in respect of Sri Jagiri Rajanna is legal and justified?

III. Whether the punishment imposed upon the Petitioner in the present matter of stoppage of two increments with cumulative effect is disproportionate and not commensurate to the charge levelled against him?

IV. To what relief Petitioner is entitled for?

#### **FINDINGS:-**

6. **Point No.I:-** This point has been decided vide order dated 28.1.2011 holding the domestic enquiry legal and valid.

Thus, Point is answered accordingly.

7. **Point No.II & III:-** Admittedly, Petitioner workman was initially appointed on 8.8.1992 as Badli Filler and later on he was promoted as Overman in the year 1998. At the time of incident he was working as a Overman and he was incharge of the District of the place where the fatal accident occurred on 24.8.2004. first and fore most argument advanced by the Petitioner is that before commencement of the enquiry, the procedure of the enquiry was not explained to the Petitioner and he was not offered the assistance of any defence assistant. As the Petitioner was not aware of the procedure of the enquiry he could not participate in the enquiry effectively resulting in issuance of the impugned order of punishment.

8. On the other hand, Respondent contended that the fair opportunity of hearing and cross examination of the witnesses as well as producing the defence evidence was accorded to the Petitioner during the enquiry. The workman had fully participated in the enquiry proceeding. Further it is submitted that show cause notice was also issued enclosing therewith a copy of the enquiry proceeding and enquiry report was served to the workman to provide him an opportunity to submit his representation. Perused the record. The workman was provided fair opportunity of hearing during the enquiry. The plea of the Petitioner in view of the record of Departmental enquiry is not tenable. Further more, said pleas of the Petitioner have already been considered and answered in the order dated 24.1.2011 passed in the context of validity of domestic enquiry and Departmental enquiry has been held legal and valid. Further the Counsel for the Petitioner argued that during the course of enquiry Management examined five witnesses and MW1 stated to have conducted the preliminary enquiry and MW2 is the Senior under MW5, MW1 is the Safety Officer, but either of them are not eye witness to the incident. Therefore, their evidence can not be taken into consideration to prove the guilt on the part of the workman. Further, ignoring the evidence of eye witnesses i.e., MW3 to MW5, the Enquiry Officer gave more importance and weight to the evidence of MW1 and MW2 and wholly relying the evidence of MW1 and MW2, the Enquiry Officer prepared his report. The manner and method in which the Enquiry Officer submitted his report shows that he was predetermined and prejudged the issue.

9. Perused the record of enquiry proceeding as well as enquiry report. During the enquiry proceeding Management has examined five witnesses MW1-Sri K. Venkateswarlu, Dy. Manager working at GDK.6A Incline, who has produced the documentary evidence, enquiry report of Safety Officer regarding incident and its finding, as well as the documents pertaining to the proceedings of enquiry. Proceedings of Departmental enquiry reveals that the delinquent workman has been accorded the opportunity of cross examination from Management witnesses and fair opportunity of hearing has been provided to delinquent worker. Further witness Sri Sushant Saha, Safety Officer, GDK.6A incline has been examined as Management witness –MW1. In his chief affidavit, he has narrated about the incident and also about conducting the enquiry of said incident. The cross examination opportunity was accorded to

the workman Petitioner. MW1 has been cross examined at length, but nothing has been elicited in his cross examination to discredit the testimony of MW2. Thus, the other witness Sri S. Kathiresan, Sr. Under Manager has been examined as MW2. In the chief affidavit MW2 has categorically stated in his testimony that on the day of incident i.e., 24.8.2004, he came for duty in the first shift, he has planned for deployment of the Man power with the Overman and after the work distribution he had gone down the mine. He had gone to SS-20 of 4 seam for inspection. MW2 reached the working place of 52 No. Dip slice of 47 ½ LN of 3 Dip. In his inspection of the face he had observed that there was no corner prop as out of 4 corner props only 3 were there. When he reached the place, Overman Sri J. Rajanna and District Sirdar Sri Guda Kanakaiah were there. Further, witness stated that he has instructed overman and the Sirdar to arrange and to erect the corner prop. The witness further testified that he had observed overhang in the South side of the face and two stay props were fixed to support the Overhang. He has asked the Overman and Sirdar as to why that Overhang was not dropped down in dressing. The Overman and Sirdar told that they tried to drop down the Overhang in dressing, but it could not be dropped down and so stay props were fixed. Further, witness had testified that The coal fillers were lifting the loose coal in the face. Witness stated that he had instructed the Overman and the Sirdar to remove the Overhang in south side at least after blasting. Further this witness states that he came to working place of 47 ½ LN of 1 dip along with Overman Sri Rajanna and inspected the face. Where he found that some support were missing, on enquiry Sri Rajanna told that there was no supports from the face upto 3 mts. In the inspection of the face at 47 ½ LN of 3 D MW1 observed that the Overhang was continued upto the fact which was supported with 2 stay props. The Overman and the Sirdar told to witness that they tried to drop down the Overhang but they could not do it and so, it was supported with stay props. From the statement of the witness Sri S. Kathiresan, Sr. Under Manager it goes to reveal that he had already instructed Sri J. Rajanna, Overman and Sirdar to take proper safety measures at the place of incident, but Overman Sri J. Rajanna did not follow the instruction of his superior regarding safety measures. Thus, from the above statement of MW and MW2 the charge of negligence and dereliction in discharge of duty by charge sheeted Overman is fully corroborated. Furthermore, witnesses MW3 to MW5 have been examined, stated that on the day of fatal accident these witnesses were on duty at the work place and the accident took place due to filling of the coal pieces on the workman Sri Toka Kiran, who go injured. The witness has also testified with the Overman and Sirdar who were present at the work place and there was also water in the face after blasting and these witnesses had categorically stated that where the workman met fatal accident. These witnesses have also supported the charge sheet version issued against Petitioner. Although all these witnesses have been cross examined by the delinquent workman but nothing has been elicited to discredit or disbelieve the testimony of these witnesses.

10. Further, plea of the Petitioner is that Sri Sushant Saha, MW2 who has conducted the preliminary enquiry in the present accident matter and submitted a report to the Management and based on his report the Departmental enquiry was ordered against the Petitioner. Therefore, in such circumstances the evidence of witness Sri Sushant Saha is not relevant against the workman in the enquiry.

11. Perused the record. Although MW2 Sri Sushanth Saha has conducted enquiry into the incident in which the workman Sri Thoka Kiran, met with the fatal injuries and on the basis of his report, the enquiry was ordered against Petitioner workman. But after initiation of Departmental enquiry the delinquent workman has been accorded fair opportunity of hearing and cross examination of witnesses and also to produce defence evidence. Since MW2 Sri Sushant Saha was posted as Safety Officer in the Company and he is having knowledge of safety measures to be implemented and/ observed by the workman at the work place i.e., Mine of the Company. Therefore, it was his duty to find out the cause of such accident at the work place and also to find out the lapses and negligence committed by workman on duty and to submit the report to this effect. Thus, misconduct of the charge sheeted workman has been proved by the evidence of this witness. Further, the opportunity to cross examine the witness Sri Sushant Saha was accorded to the delinquent workman which he availed. Nothing has been elicited in his cross examination to discredit the testimony of this witness. Therefore, the evidence of Sri Sushanth Saha, is relevant and admissible in evidence as per law. The plea of the Petitioner in this context is not tenable.

12. Further, the perusal of the record goes to reveal that on 24.8.2004, in first shift where the Petitioner was posted as Overman and he was also incharge of that district, Sri Toka Kiran, at 52 No. Dip slice of 47 ½ LN of 3 Dip. met with fatal accident, due to fall of side at that working place while he was doing his work and he suffered head injury and succumb, to that injury later on. As the Petitioner workman had failed to observe and implement safety measures at the working place as per rules and regulations of the Company, even after the inspection and instructions made by his superior. Since he did not ensure to observe and implement safety measures at work place and due to his negligence, one workman died in accident. Therefore, Petitioner Overman was charge sheeted vide charge sheet dated 07/09-11-2004 for violation of Company's Standing Orders No.25.3, 25.5, 25.16 and 25.28 which reads as follows:-

*"25.3 Willful insubordination or disobedience, whether alone or in conjunction with another or others of any lawful or reasonable order of superior.*

*25.5 - Neglect of work.*

*25. 16 -Any breach of the Mines Act 1952 or any other act or any rules or regulations or bye laws there under.*



25.28- *Conduct within the mine's premises or its precincts which endangers life or safety of any person."*

Further, since Petitioner workman was posted as Overman and he was District incharge of the 4S/SS-20 District, his duties and responsibilities under CMR 1957 reads as under:

*Regd. No. 43 (1) - He shall be responsible to see that the Subordinate Officials and competent persons in his district carry out their respective duties in a proper manner.*

*Reg.No. 43(1) (e) - He shall, to the best of his power enforced in his district the provisions of the Act, of these regulations and orders made there under, and shall, subject to the control of the Manager and the Under Manager or Assistant Manager, if any, give such directions as may be necessary to ensure compliance with those provisions and to secure the safety to the district and the safety and proper discipline of the persons employed therein.*

*Reg. No. 43(8) (a) - He shall devote the whole of his time to his duties and visit each working place in his district as often as may be necessary or possible.*

*Reg.No. 190 -General Safety :- No person shall negligently or willfully do anything likely to endanger life or limb in the mine, or negligently or willfully omit to do anything necessary for the safety of the mine or of the persons employed therein.*

*Cir.tech.9/1985 - It is hereby clarified that making the roof and sides safe is the responsibility of officials superior to shot-firer i.e. Sirdar, Overman, Asst.Manager and not of the Shot Firer. After the atmosphere in the area is free from dust, smoke or fumes, the shot firer shall inspect the place for misfire, sockets or remnants or explosives. If the area is found safe with respect of atmosphere conditions and presence of sockets etc. his superior officials shall take further action for getting the roof and sides dressed and supported.*

But the delinquent workman (Petitioner) failed to observe his responsibility in discharge of his duty of the day when fatal accident took place. Therefore, from the fore gone discussion I arrived at conclusion that during the enquiry the Management has examined witnesses MW1 to MW5 and these witnesses have proved the charge of negligence against the workman / Petitioner who was posted as Overman of the district at the time of incident. Further, in enquiry delinquent workman has examined himself in defence and in his cross examination the delinquent Overman (Petitioner) has admitted the fact that there was Overhang and he instructed the Mining Sirdar to support the prop at 47 ½ LBN of 3 Dip working face as the erection of supports and dressing of the roof and sides is not enough and to allow the persons to is not safe work unless and until they are careful from time to time. Further, the Petitioner workman states in his cross examination:-

*"A(3): Yes, the accident took place in between the supported area. What I mean to say that the accident took place in between props, but the side in between the props parted and fell down.*

*A(15):Yes. There is chance of falling of side by sudden bumping."*

Further, in his cross examination in reply to question by MR, the Petitioner workman replied,

*"A(4): The District Sirdar, Overman and the Under Manager are responsible for securing the roof and sides and giving permission to lift the coal in working place and so also under regulation 115(e) of Coal Mines Regulation, 1957 the persons(s) who are working in the face has to carefully examine his working place before commencing the work and also at intervals during the shift. If any dangerous situation is observed he shall cease all work at that place and shall either immediate steps to remove such danger or inform an official or the competent person incharge of the Mine or district."*

Thus, from the above statement of the delinquent employee during the enquiry, also it is crystal clear that Petitioner failed to observe the safety measures at working place despite having knowledge of danger of overhand at work place.

13. The delinquent Overman did not make ensure even after instruction of superiors that the Overhang at work place has been removed by Sirdar after his instruction. Thus, due to negligence of Petitioner not ensuring compliance of instruction regarding safety measure at work place the fatal accident occurred. As being incharge of that accident place/face, he was duty bound to take all the safety measures as per CMR 1957, which enumerates the responsibilities of employees of the Company at the work place. But, his conduct found negligent in observing CMR 1957 rules, and due to his negligent conduct fatal incident occurred at the work place where Sri Toka Kiran, died. On the other hand, Petitioner has literally failed to establish his averment of claim statement in his defence evidence. In his claim statement he has alleged lapses and the negligence of higher authority and also colleague workman, but, by alleging the other person he can not escape his responsibility in discharging his duty and due to his negligent conduct the fatal accident took place and he must owe the responsibility of mis-happening at work place.

14. Further more, once it is held that domestic enquiry is legal and proper, the next question arises for consideration is, as to whether the punishment imposed on the Petitioner in the present matter is just and legal or it is disproportionate to the gravity of the charges. All the charges during the enquiry has been held proved against Petitioner. One Badli Filler has lost his life in the incident while he was doing his work and due to conduct of dereliction and negligence Petitioner in discharge of his duty. Therefore, it can not be said that charges were simple in nature.

15. Thus, in view of the fore gone discussion, I am of the considered view that all the charges being serious in nature, and Disciplinary Authority has taken lenient view while imposing punishment in the present matter. Therefore, the order of stoppage of two increments with cumulative effect passed by Disciplinary Authority against the Petitioner can not be said in any manner disproportionate to the charges levelled against Petitioner. Disciplinary Authority has already taken lenient view in the matter, of punishment and imposed punishment of stoppage of two increments with cumulative effect. In other words, the punishment of stoppage of two increments with cumulative effect is proportionate to the gravity of the charges and hence, deserves to be upheld.

Thus, Points No.II & III are decided accordingly.

16. **Point No. IV:** In view of fore gone discussion and conclusion arrived at Points No.I, II & III, the Petitioner's claim is liable to be dismissed. As such, he is not entitled to any relief.

Thus, Point No.IV is decided accordingly.

#### **AWARD**

The action of the management M/s SCCL in imposing the punishment of stoppage of two increments with cumulative effect vide order No.CRP/PER/IR/D/99/7213 dated 14.9.2005 in respect of Sri Jagiri Rajanna is held legal and justified. The workman is not entitled to any relief as prayed for and claim petition stands dismissed. Reference is answered accordingly.

Award is passed. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 14<sup>th</sup> day of December, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner

Nil

Witnesses examined for the  
Respondent

Nil

#### **Documents marked for the Petitioner**

NIL

#### **Documents marked for the Respondent**

NIL

नई दिल्ली, 5 फरवरी, 2024

**का.आ. 255.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (सन्दर्भ संख्या 91/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल. 22012/67/2016-आई.आर. (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 5th February, 2024

**S.O. 255.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.91/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/67/2016 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**  
**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,**  
**JABALPUR**

**NO. CGIT/LC/R/91/2016**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

**The President,**

**Coal India Pensioners Association,**

**Branch Bishrampur Area,**

**Qtr No. 1B-32, Bishrampur**

**Distt- Surajpur (CG) -497226**

**Workman**

**Versus**

**The General Manager**

**SECL, Bishrampur Area**

**PO- Bishrampur Colliery**

**Distt- Surajpur(CG) -497226**

**Management**

**AWARD**

**(Passed on this 16<sup>th</sup> day of December-2023.)**

As per letter dated 29/09/2016 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/67/2016(IR(CM-II)) dt.29/09/2016 . The dispute under reference related to :-

**“Whether the action on the part of General Manager, Bishrampur area of SECL in withholding the terminal benefits after retirement on Quarter retention ground such as leave encashments and other dues as eligible in respect of Shri Uma Shankar Pandey, Ex-Accountant, espoused by the President, Coal India Pensioners Association, Bishrampur branch is legal, appropriate and justified? If not whether it is appropriate to recover the terminal dues from the employer?”**

After registering a case on the basis of the reference, notices were sent to the parties. The association appeared and filed his statement of claim wherein it was stated that the workman Uma Shankar Pandey from the services of management after attaining the age of superannuation but the management has not paid his retiral dues completely and has requested that he be held entitled to receive the dues, did not file any statement of claim.

Management has filed its written statement of defence, wherein it has stated that firstly the applicant union that is Coal India Pensioners Association is not a registered trade union as it has no locus stand to raise the dispute and the reference may be answered against the applicant filed only on this ground.

It has further been pleaded that the reference is barred due to delay and laches on the part of the claimant side. It is further, the case of management that the claimant workman was employed as office superintendent with the management. He was allotted a residential accommodation by virtue of his employment. He got superannuation 28/02/2014. He was under obligation to hand over the vacant possession of the house allotted to him during his service time after he superannuated, but he failed to do it and retained possession of the said house.

According to the management, the applicant workman is under obligation to pay penal rent and municipal as well. Electricity charges for the accommodation till date of handing over of position of the said accommodation by the applicant workman, which he has not paid and against this dues, fees, leave encashment and settle in allowance has been withheld by the management. According to management, after withholding his dues as mentioned above, there is still a recovery against the applicant workman. Management has accordingly requested that the reference is answered against the applicant workman.

The management has filed an affidavit of its witness which is on record, wherein the witness has supported the claim of management. None appeared from the side of workman for cross-examination of management witness an opportunity of the applicant workman to cross-examine the management witness was closed.

At the time of argument, none appeared from the side of workman. I have heard the argument of Sri Anup Nair for management and have gone through the record.

**The reference itself is the issue for determination.**

Since applicant side has not filed any evidence in support of its claim, the case of workman is held not proved. From the perusal of affidavit of management witness, the case of management is held proved. Hence, in the light of above discussion and finding, the reference deserves to be answered against the applicant workman and is answered accordingly, holding the action of management is not against law, the reference is answered against the workman.

P. K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 7 फरवरी, 2024

**का.आ. 256.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या **03/2023**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल. 22012/106/2022-आई. आर. (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 7th February, 2024

**S.O. 256.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No.03/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/106/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 03 OF 2023**

**PARTIES:** Barun Kumar Mondal

**Vs.**

Management of Jhanjra Project Colliery 1 and 2 Incline of ECL

**REPRESENTATIVES:**

For the Union/Workman : Mr. Mahendra Singh, Adv. and Mr. Bipul Banerjee, Adv.

For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal

**STATE:** West Bengal.

**Dated:** 04.12.2023

**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/106/2022-IR(CM-II)** dated 19.12.2022 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra Project Colliery 1 and 2 Incline under Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Jhanjra Project Colliery 1 and 2 Incline, Jhanjra Area, M/s. E.C.Ltd. in not fixation the pay properly in the regularized post of Mining Sirdar-cum-Shot Firer to Shri Barun Kumar Mondal is fair, legal & justified? If not, what relief the workman concerned is entitled to? ”*

1. On receiving Order **No. L-22012/106/2022-IR(CM-II)** dated 19.12.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 03 of 2023** was registered on 05.01.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for the management of Jhanjra Project colliery, of Eastern Coalfields Limited is present. For ends of justice, the case is fixed up today for evidence of workman witness. On repeated calls at 12.50 pm none appeared for Barun Kumar Mondal. Mr. Bipul Banerjee and Mr. Mahendra Singh, advocates who filed Vokatnama in this case are found absent.

3. It appears that on earlier occasions opportunities were given to the workman on two consecutive dates for adducing evidence but they failed to take steps. In my considered view workman is disinclined to proceed further in respect of his claim for regularization to the post of Mining Sirdar -cum- Shot Firer. The Industrial Dispute referred is accordingly dismissed in the form of a **No Dispute Award**.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in this Industrial Dispute. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 257.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सीमा देवी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (161/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-80]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 257.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.161/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Seema Devi.Worker.

[No. L-12025/01/2024- IR(B-I)-80]

SALONI, Dy. Director

**ANNEXURE**

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.**

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.161/2016

Registered On:-11/11/2016

Seema Devi W/o Sh. Rajinder Kumar R/o H.No.111-CA, Near Power House Colony Central Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**Award****Passed On:-12.12.2023**

1. The workman Smt. Seema Devi has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 258.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और ईश्वर सिंह ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (162/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-81]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 258.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.162/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Ishwer Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-81]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.162/2016

Registered On:-11/11/2016

Ishwer Singh S/o Sh. Bant Singh R/o H.No.111, Seona Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman



**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Sh. Ishwer Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 259.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और निशु ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (163/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-82]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 259.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.163/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Nishu.Worker.

[No. L-12025/01/2024- IR(B-I)-82]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.163/2016

Registered On:-11/11/2016

Nishu D/o Rajinder Kumar R/o Dhuru Nagar, Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Ms. Nishu has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 260.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और गोबिंद सिंह ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचात (164/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-83]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 260.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.164/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gobind Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-83]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.164/2016

Registered On:-11/11/2016

Gobind Singh S/o Sh. Malkit Singh R/o Dhiru Nagar, Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman



**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Sh. Gobind Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 261.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और जीतू कुमार ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (165/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-84]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 261.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.165/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jeetu Kumar.Worker.

[No. L-12025/01/2024- IR(B-I)-84]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.165/2016

Registered On:-11/11/2016

Jeetu Kumar S/o Sh. Des Mahato R/o H.No.620, Bahera Road, Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Sh. Jeetu Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 262.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और संजय सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (166/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-85]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 262.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.166/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sanjay Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-85]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.166/2016

Registered On:-11/11/2016

Sanjay Singh S/o Sh. Gurjant Singh R/o Village. Nain Kalan Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**Award****Passed On:-12.12.2023**

1. The workman Sh. Sanjay Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 263.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओएनजीसी लिमिटेड; मेसर्स सनराइज टाइपराइटिंग क्लास & एक्सपर्ट सर्विसेज के प्रबंधन के संबद्ध नियोजकों और वडोदरा जिल्ला जनरल कामदार यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स न.-708/2004) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-30012/1/2000- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 263.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 708/2004**) of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ONGC Ltd.; M/s Sunrise Typewriting class & Expert Services** and **Vadodara Jilla General Kamdar Union**, which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-30012/1/2000-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
AHMEDABAD**

Present....

Sunil Kumar Singh-I,

Presiding Officer,

CGIT cum Labour Court,

Ahmedabad.

Dated 12<sup>th</sup> December, 2023

**Reference: (CGITA) No- 708/2004**

1. The Regional Director,  
ONGC Ltd., WRBC., Makarpura Road,  
BARODA.
2. M/s. Sunrise Typewriting class & Expert Services,  
C-37, Bhagyalaxmi Society,  
Ajwa Road,  
BARODA – 390019.

.....First Party

V

Vadodara Jilla General Kamdar Union,  
The General Secretary,  
Salatwada, Vanikar-ni-Pagha,  
Vinodbhave Road,  
BARODA – 390001.

.....Second Party

Advocate for the First Party employer : Shri P. F. Zaveri

Advocate for the Second Party workman : None

**AWARD**

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-30012/1/2000-IR(M) dated 19.05.2000 referred the dispute for adjudication to the Central Government Industrial Tribunal cum Labour Court, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

**SCHEDULE**

“Whether Vadodara Jilla General Kamdar Union, Baroda has locus-standi to raise the dispute under section 2(k) of I. D. Act, 1947 in respect of contractual workmen in ONGC Ltd, Baroda?”

“Whether Ms. Vijaya S. Ahire is a workman under the provisions of Section 2(s) of the I. D. Act, 1947 ? If so whether the demand of the union for reinstatement in service and regularisation of the services of Ms. Vijaya S. Ahire is legal and justified? If so, to what relief the concerned workman is entitled to and from which date and what other directions are necessary in the matter?”

1. The case was called out. First Party/employer is represented through Ld. Counsel Shri P. F. Zaveri. None responds for Second Party/workman. Perusal of record shows that the case is fixed for arguments. However it transpires from the perusal of record that the SP/workman has been absenting since 27.03.2017 except on one occasion i.e. on 25.04.2019. The second party/workman was afforded last opportunity on 27.12.2022 along with additional opportunities on 10.04.2023 and 07.08.2023. It appears that the SP/workman has either settled his dispute with the FP/employer out of court or is not interested to proceed further in the matter. Thus, in the circumstances, the claim of the workman is declined and the reference is answered in positive in favour of the FP/employer and against the SP/workman. The award is passed accordingly.

Let two copies of the Award be sent to the Appropriate Government for the needful and for publication U/s 17(1) of the Industrial Disputes Act, 1947.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 264.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यूनाइटेड इंडिया इन्सुरेंस कंपनी लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री राजेशभाई दनभाई डांगर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (रिफरेन्स नं.-04/2009) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/1/2009-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 264.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 04/2009**) of the **Central Government Industrial Tribunal cum Labour Court, Ahmedabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **United India Insurance Co. Ltd.** and **Shri Rajeshbhai Danabhai Dangar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/1/2009-IR(M)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, AHMEDABAD

Present - Sunil Kumar Singh-I, Presiding Officer,

Dated 14<sup>th</sup> December, 2023

#### Reference (CGITA) No.: 04/2009

The Divisional Manager,

United India Insurance Co. Ltd.,

‘Toral’ Jawahar Road, Opp. State Bank of Saurashtra,

Rajkot

.....First Party / Employer

V

Shri Rajeshbhai Danabhai Dangar,

Raiya Road, Near Hanuman Madhi,

Alkapuri, Opp. Street No. 2, Momai Om Chamunda,

Rajkot

.....Second Party / Workman

Advocate for the First Party / Employer: Shri Sharad C. Vakharia

Advocate or the Second Party / Workman: Shri Chetan R. Vyas

#### AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-17012/1/2009 - IR(M) dated 26.06.2009 referred the dispute for adjudication to this Tribunal in respect of the matter specified in the Schedule as under.

#### SCHEDULE

“Whether the action of the management of the United India Insurance Co. Ltd., Ahmedabad / Rajkot in not providing employment to Shri Rajeshbhai D. Dangar, Ex-Sweeper-cum-Peon after 01/06/2006 is legal and justified? What relief the workman concerned is entitled to?”

1. The second party / workman submitted the statement of claim at Ex. 6, stating that, he was working in continuity with the first party / employer as permanent workman / peon-cum-sweeper, on the transfer of some permanent / regular employee Shri Chetan P. Khetani, @ 10 hours / day since August, 2000 against the vacant post till he was orally terminated w.e.f. 01.06.2006 without any notice / notice pay / retrenchment compensation. His service record was clean and blotless. He had performed his duties honestly and diligently. He has worked for 240 days in each calendar year. No departmental enquiry was conducted by the first party. Juniors / new persons were appointed by the first party for the same work after his termination. The first party has violated the provisions of Section 25 (F), 25 (G) & 25 (H) of the Industrial Disputes Act, 1947. Prayed to reinstate him with continuity of service and full back wages along with all consequential benefits.

2. The first party / employer has submitted written statement at Ex. 9, stating that the second party / workman was engaged as casual labour / rozmadar from the year 2002 onwards and abandoned the work voluntarily in June, 2006. He was engaged as and when required for work and was not in continuity of service. He has never completed 240 days of service with the employer. He does not fall within the definition of 'workman' as prescribed u/s 2 (s) of the Industrial Disputes Act, 1947. The Tribunal lacks jurisdiction. It is further stated that he was not appointed through regular selection procedure. There was no violation in respect of any of the provisions of Industrial Disputes Act. Prayed to dismiss the claim of the second party / workman.
3. The second party / workman has filed documentary evidence detailed as under.

Sl. No.	Name / Details of the document	Date of Document	Serialim of Document	Type / Remarks
1	Salary disbursement vouchers for the period from July 2001 to May 2006 (59 vouchers).	-	Annexure to Ex. 10	Xerox
2	Salary disbursement vouchers for the period from 05.08.2002 to 18.04.2004 (85 vouchers).	-	Annexure to Ex. 10	Xerox
3	Application of Shri Rajeshbhai Danabhai Dangar for the post of part-time sweeper, to Personnel Department, Regional Office, United India Insurance Co. Ltd., Ahmedabad.	01.02.2002	Ex. 20 / 1	Xerox
4	An inter-departmental letter on the subject 'Requirement of PTS for this office'.	09.08.2002	Ex. 20 / 2	Xerox
5	A confidential inter-departmental letter on the subject 'Part-time Sweeper Vacancies'.	29.10.2002	Ex. 20 / 3	Xerox

4. The second party / workman has deposed himself at Ex. 11 in oral evidence.
5. The first party / employer has not filed any documentary evidence, however, has deposed Shri Ravi Prakash Kamra, an authorised officer of the employer / company, at Ex. 17 in oral evidence only.
6. Perused the records. Heard, Shri Chetan R. Vyas, advocate for the second party / workman in light of his written arguments at Ex. 22 and Shri Sharad C. Vakharia, advocate for the first party / employer in light of his written arguments at Ex. 21.
7. The main point for consideration under reference is as under:

“Whether the second party / workman Shri Rajeshbhai D. Dangar has worked for 240 days in the calendar year preceding his oral termination dated 01.06.2006 and the first party / employer engaged juniors / new persons by not giving preference to the second party / workman?”

8. Ld. Counsel for the second party / workman has argued that the workman was working with the first party / employer since August, 2000 against a permanent post as sweeper. The workman has completed much above 240 days in the year preceding his oral termination on 01.06.2006. He was terminated without any notice / notice pay in violation of Section 25 (F). His juniors and new persons were engaged by the employer in violation of the Section 25 (G) & 25 (H) of Industrial Disputes Act, 1947. Prayed to allow the claimed relief.
9. Ld. Counsel for the second party / workman has referred (1) Director, Fisheries Terminal Division V Bhikubhai Meghajibhai Chavda, Civil Appeal No. 7463 of 2009, D.O.J. – 09.11.2009 (SC) (DB) – wherein, Hon'ble Supreme Court affirmed the order of the Hon'ble Gujarat High Court which affirmed the award passed by Labour Court, directing the appellant employer to reinstate the respondent workman with 20 % back wages, concluding that the workman has completed continuous service of 240 days by drawing an adverse inference as the appellant employer did not produce any evidence to the fact that the workman has not completed 240 days in the preceding year. (2) Div. Manager, New India Assurance Co. Ltd. V A. Sankaralingam, Civil Appeal No. 4445 of 2006, D.O.J. – 03.10.2008 (SC) (DB), wherein, Hon'ble Supreme Court has answered the question as to whether a part-time workman would be covered within the definition in section 2 (s) of the Act and whether he would be entitled to the benefit of continuous service under section 25 (B) and the benefit of section 25 (F), in favour of respondent workman. (3) M/s Nicks (India) Tools V Ram Surat & anr., Appeal (Civil) No. 4146 – 4147 of 2001, D.O.J. – 25.08.2004 (SC) (DB), wherein Hon'ble Supreme Court affirmed the order of Hon'ble Punjab & Haryana High Court in respect of reinstatement and the payment of full back wages to the workman. (4) M/s Scooters India Ltd. V M. Mohammad Yaqub & anr., Appeal No. Nil, D.O.J. – 21.11.2000 (SC), wherein Hon'ble Supreme Court held that there cannot be any automatic termination of the workman on the basis of standing order 9.3.12.

Principles of natural justice had to be complied with. (5) Mahamadsha Ganishah Patel & Anr. V Mastanbaug Consumers' Co-op. Wholesale & Retail Stores, 1998 I CLR 1205 (Bom.), wherein Hon'ble Bombay High Court has held that even in case of abandonment of service, enquiry was necessary and in the absence of the same, it is held that the employer failed to establish abandonment of service and as such there was termination of service.

10. Ld. Counsel for the employer has argued in line with the written statement that the workman was casual worker and is not entitled for reinstatement / back wages. He voluntarily abandoned the work in June, 2006. The vouchers produced by the workman are related to his salary disbursement as casual worker and such vouchers cannot infer that he was the employee of the first party. Prayed to dismiss the claim of second party.
11. I have carefully gone through the pleadings and the written / oral arguments raised and evidence adduced by both the parties. At the very outset, it is pertinent to mention that the employer has stated in his written statement at Ex. 9 that this Tribunal has no jurisdiction to entertain this reference as the second party, being casual labour who voluntarily abandoned service, does not fall within the definition of 'workman' under section 2 (s) of the I.D. Act. However, Ld. Counsel for the employer has not been able to convince this Tribunal as to how does this Tribunal lack jurisdiction on the basis of the employee being casual worker. The employer – employee relations are not disputed in the instant case. The employer being United India Insurance Co. Ltd., is an 'industry' within the meaning of section 2 (j) of the I.D. Act. The second party / employee is a 'workman' as defined under section 2 (s) of the I.D. Act. Hence, the present dispute is no doubt, an 'industrial dispute' defined under section 2 (k) of the I.D. Act. It is thus clear that this Tribunal has jurisdiction to adjudicate upon the present 'industrial dispute'.
12. The workman Shri Rajeshbhai Danabhai Dangar has deposed at Ex. 11 in examination-in-chief at par with his statement of claim reiterating that he worked from August 2000 till 01.06.2006 continuously in place of permanent peon Shri Chetan P. Khetani who was transferred to Jamnagar. The workman was orally terminated on 01.06.2006 without notice / notice pay despite having completed 240 days of work in each calendar year. He has clarified in his cross-examination that he used to get wages as a daily wager against the number of days he worked. This statement of the workman is corroborated from the unrebutted photocopies of the 144 salary vouchers for the period from July, 2001 to May, 2006 filed through Ex. 10.
13. The first party / employer has not produced any documentary evidence contrary to the above 144 salary vouchers filed by the workman. The number of working days, if calculated on the basis of aforesaid salary vouchers related to one year preceding his oral termination dated 01.06.2006, it comes to 316 days for the period from June, 2005 to May, 2006 i.e. in the calendar year preceding the termination order dated 01.06.2006. The details are tabulated as under.
14. Number of working days as per salary disbursement vouchers :

Sl. No.	Month & Year	Number of days, the workman has worked	Wages per day	Total wages paid (in rupees)
1	June, 2005	27 days	70	1890
2	July, 2005	28	70	1960
3	August, 2005	28	70	1960
4	September, 2005	27	70	1890
5	October, 2005	27	70	1890
6	November, 2005	26	70	1820
7	December, 2005	25	70	1750
8	January, 2006	25	70	1750
9	February, 2006	23	70	1610
10	March, 2006	27	70	1890
11	April, 2006	26	70	1820
12	May, 2006	27	80	2160
<b>Total</b>		<b>316 days</b>		

15. The above un rebutted documentary evidence produced by the workman is sufficient to conclude that he did work for 316 days in the calendar year preceding the termination order dated 01.06.2006, which is much above 240 days, which are sufficient to show his continuous service in view of section 25 (B) of the Industrial Dispute Act. The witness of the employer has deposed in his examination-in-chief at Ex. 17 in line with the written statement, stating that the workman was casual labour and not a permanent or regular employee. This employer's witness has clarified in his cross-examination that the department did not give any notice to the workman when he voluntarily left the job. It is not disputed that there was no enquiry conducted by the employer. Even no efforts to call upon the workman to join service in case he abandoned the job, were made. It is an admitted fact that the workman has not been paid retrenchment compensation. Hence the employer cannot get rid of his responsibility from acting in accordance with the relevant provisions of I.D. Act.
16. It is abundantly clear on the basis of evidence appreciated as above that the second party / workman was retrenched unjustifiably and illegally in violation of Section 25 (F) of the Industrial Disputes Act, 1947 despite his continuous service of more than 240 days in view of section 25 (B) of the Industrial Dispute Act without payment of retrenchment compensation. However, the workman has not mentioned even the name of any junior / new person having been retained or engaged afresh at the time of his termination by the employer. However, it is proved on the basis of above discussed cogent, un rebutted and convincing evidence that the workman worked much above 240 days in the calendar year preceding his oral termination dated 01.06.2006. The aforesaid issue is accordingly decided partially in favour of the second party / workman.
17. Now coming to the relief clause, the employer's witness Shri Ravi Prakash Kamra, authorised officer of the employer, has specifically stated that there is no vacancy, therefore, he (workman) cannot be appointed. This is settled law that a casual or daily wager cannot be appointed against regular / permanent post without going through the departmental recruitment procedure. In the totality of facts and circumstances of the instant case, it deems proper to award lump-sum compensation to the workman instead of his reinstatement. Keeping the duration of service rendered by the workman with the first party / employer from August, 2000 to 31.05.2006, the first party / employer is directed to pay the second party workman a lump-sum compensation of Rs. 200000/- (Rupees Two Lakhs Only) within two months from the date of publication of award.
18. The reference is accordingly answered to the effect that the action of the management of the United India Insurance Co. Ltd., Ahmedabad / Rajkot in not providing employment to Shri Rajeshbhai D. Dangar, Ex-Sweeper-cum-Peon after 01.06.2006 is neither justified nor legal. The workman is entitled to relief granted as above. The award is passed accordingly.

Let two copies of the Award be sent to the appropriate Government for the needful and for publication.

SUNIL KUMAR SINGH-I, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 265.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड; मेसर्स पानीपत रिफाइनरी एंड पेट्रोकेमिकल कॉम्प्लेक्स के प्रबंधन के संबद्ध नियोजकों और इंडियन ऑयल ऑफिसर्स एसोसिएशन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-2, पंचाट (रिफरेंस न.-26/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-9]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

S.O. 265.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 26/2019) of the Central Government Industrial Tribunal cum Labour Court, Chandigarh-2 as shown in the Annexure, in the Industrial dispute between the employers in relation to Indian Oil Corporation Ltd; M/s Panipat Refinery and Petrochemical Complex and Indian Oil Officers Association which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-9]

DILIP KUMAR, Under Secy.



## ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.

Present: Sh. Kamal Kant, Presiding Officer.

ID No.26/2019

Registered on:-23.04.2019

Secretary, Indian Oil Officers Association, Panipat Refinery and Petrochemical Complex, Panipat-Haryana.

.....Workmen/Union

## Versus

1. General Manager(MS&HRD), Indian Oil Corporation Ltd. Refinery Division, Scope Complex, Core-2, 7, Industrial Area, Lodhi Road, New Delhi-110003.
2. Executive Director, I/C, M/s Panipat Refinery and Petrochemical Complex, IOCL, Panipat, Bholi, Haryana.

.....Respondents/Managements

## AWARD

Passed On:-06.12.2023

1. The workmen/union through its Secretary, Indian Oil Officers Association, Panipat Refinery and Petrochemical Complex, Panipat-Haryana has directly filed this claim petition under Section 33-A of the Industrial Dispute Act 1947(hereinafter called the Act) for staying the transfer of Shri S.K. Roy, Secretary of the Association.
2. Earlier the case was fixed for filing objection by the management to the application filed by the workmen-union for recalling the order dated 27.09.2019 passed by this Tribunal vide which the opportunity of the workmen-union for filing evidence was closed by this Tribunal. It is submitted by the learned counsel for management Sh. Paul S. Saini that none is turning up on behalf of the workmen-union to press this application since long and today also, none is responding on behalf of workmen-union.
3. Perused the file and it is found that the submissions made by the learned counsel of management is true. The workmen-union is given sufficient opportunities to press the application dated 11.02.2020 for recalling the order dated 27.09.2019 but none turned up in spite of the opportunity afforded, which shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workmen-union has neither put his appearance for long and has left the case unattended, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference for the non-prosecution of workmen-union.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 266.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड; मेसर्स आर. के. इलेक्ट्रिकल्स के प्रबंधन के संबद्ध नियोजकों और श्री करमवीर के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-2, पंचाट (रिफरेन्स नं.-24/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-6]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 266.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 24/2018**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-2** as shown in the Annexure, in the Industrial dispute between the employers in

relation to **Indian Oil Corporation Ltd; M/s R.K. Electricals** and **Shri Karamvir** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-6]

DILIP KUMAR, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,**  
**CHANDIGARH.**

**Present: Sh. Kamal Kant, Presiding Officer.**

ID No. 24/2018

Registered on:-31.10.2018

Sh. Karamvir S/o Sh. Puran, R/o VPO Padha, Tehsil Asandh, Distt. Karnal(Haryana)-132039.

.....Workman

**Versus**

1. The Executive Director, Indian Oil Corporation Ltd. IOCL, Panipat Refinery, Baholi, Distt.-Panipat(Haryana)-132140.
2. M/s R.K. Electricals, Office & Residence Village & PO Gudha, Tehsil Gharounda, Distt. Karnal(Haryana)-132114.

.....Respondents/Managements

**AWARD**

**Passed On:-05.12.2023**

1. The workman Karamveer has directly filed this claim petition under Section 2-A of the Industrial Dispute Act 1947(hereinafter called the Act) for reinstatement in service with continuity of service with full back wages.
2. Today i.e. 05.12.2023 the case was fixed for cross-examination of the witness of respondent no. 1 Sh. Partap Singh, Chief E.R. Manager but none is responding on behalf of workman. It is submitted by the learned counsel of respondent no.1 Sh. Paul S. Saini as well as learned counsel for respondent no.2 Sh. Bhim Singh that the workman is not turning up since long and several opportunities have already been given to the workman to cross-examine the witness of respondent no.1.
3. Perused the file and it is found that the submissions made by the learned counsel of respondent no.1 Sh. Paul S. Saini as well as learned counsel for respondent no.2 Sh. Bhim Singh is true. The workman is given sufficient opportunities to file claim statement but none turned up in spite of the opportunity afforded to file claim statement, which shows that the workman is not interested in adjudication of the matter on merit.
4. Since the workman has neither put his appearance for long and has left the case unattended, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference for the non-prosecution of workman.
5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 267.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड; मेसर्स सुनील कुमार सिक्योरिटी एजेंसी के प्रबंधन के संबंध में नियोजकों और श्री रोहताश कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-2, पंचाट (रिफरेन्स न.-11/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-7]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 267.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 11/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-2** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation Ltd; M/s Sunil Kumar Security Agency** and **Shri Rohtash Kumar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-7]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present: Sh. Kamal Kant, Presiding Officer.**

ID No.11/2019

Registered on:-05.04.2019

Sh. Rohtash Kumar S/o Sh. Chander Bhan, R/o Village Nizampur, P.O. Chandoli, Tehsil & District Panipat, Haryana.

.....Workman

**Versus**

1. The Executive Director, Indian Oil Corporation Ltd, Panipat Refinery and Petrochemical Complex, Panipat-Haryana.
2. M/s Sunil Kumar Security Agency, Shop No.28, Pawan Mega Mall, Near HDFC Bank, Subhash Chowk, Sonipat(Haryana)-131001.

.....Respondents/Managements

**AWARD**

**Passed On:-29.11.2023**

1. The workman Rohtash Kumar has directly filed this claim petition under Section 2-A of the Industrial Dispute Act 1947(hereinafter called the Act) for reinstatement with all consequential benefits.
2. Today i.e. 29.11.2023 the case was fixed for filing evidence of workman but none is responding on behalf of workman while several opportunities have already been given to the workman for which shows that the workman is not interested in adjudication of the matter on merit.
3. Since the workman has neither put his appearance for long nor he has led any evidence to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference for the non-prosecution of workman.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 268.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड; मेसर्स अमरीश चट्टा सिक्योरिटी एजेंसी के प्रबंधन के संबद्ध नियोजकों और श्री लक्ष्मण सिंह के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-2, पंचाट (रिफरेंस नं.-10/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-8]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 268.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 10/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-2** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation Ltd; M/s Amrish Chadha Security Agency** and **Shri Laxman Singh** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-8]

DILIP KUMAR, Under Secy.

#### ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present: Sh. Kamal Kant, Presiding Officer.**

ID No.10/2019

Registered on:-05.04.2019

Sh. Laxman Singh S/o Sh. Ramdiya, R/o Des Raj Colony, Devi Mandir Road, Panipat-132103(Haryana).

.....Workman

**Versus**

1. The Executive Director, Indian Oil Corporation Ltd, Panipat Refinery and Petrochemical Complex, Panipat-Haryana.
2. M/s Amish Chadha Security Agency, 11/7 Buta Singh Complex, Main Mathura Road, Faridabad, Haryana-121003.

.....Respondents/Managements

#### AWARD

**Passed On:-29.11.2023**

1. The workman Laxman Singh has directly filed this claim petition under Section 2-A of the Industrial Dispute Act 1947(hereinafter called the Act) for reinstatement with all consequential benefits.
2. Today i.e. 29.11.2023 the case was fixed for filing evidence of workman but none is responding on behalf of workman while several opportunities have already been given to the workman for which shows that the workman is not interested in adjudication of the matter on merit.
3. Since the workman has neither put his appearance for long nor he has led any evidence to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference for the non-prosecution of workman.
4. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 269.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार डायमंड सिक्योरिटी पर्सनेल; मेसर्स एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री रामफल के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-2, पंचाट (रिफरेन्स न.-169/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-5]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 269.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 169/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-2** as shown in the Annexure, in the Industrial dispute between the

employers in relation to **The Diamond Security Personnel; M/s LIC of India and Shri Ramphal** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-5]

DILIP KUMAR, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,**  
**CHANDIGARH.**

**Present: Sh. Kamal Kant, Presiding Officer.**

ID No.169/2019

Registered on:-19.12.2019

Sh. Ramphal S/o Sh. Radha Krishan, R/o Village Sacha Khera, Tehsil Narwana, District Jind.

.....Workman

**Versus**

1. The Diamond Security Personnel through its Manager, 105, 1<sup>st</sup> Floor, 389 Masjid Moth, NDSE-II, New Delhi-110049.
2. M/s LIC of India, Narwana Branch, Narwana, District Jind, Haryana.

.....Respondents/Managements

**AWARD**

**Passed On:-30.10.2023**

1. The workman Ramphal has directly filed this claim petition under Section 2-A of the Industrial Dispute Act 1947(hereinafter called the Act) for reinstatement in service.
2. Today i.e. 30.10.2023, learned AR of workman has made a statement withdrawing the present case as the workman has already expired which is recorded separately. In view of the statement made by the learned AR of workman, the present case is dismiss as withdrawn. File after completion be consigned to the record room.
3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 270.—**औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन लिमिटेड; लाला हरभगवान दास मेमोरियल हॉस्पिटल एंड प्रेम हॉस्पिटल के प्रबंधन के संबंध में नियोजकों और श्री संजय कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स नं.-04/2011) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-30012/18/2010-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 270.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 04/2011**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation Ltd.; Lala Harbhagwan Dass memorial Hospital & Prem Hospital and Shri Sanjay Kumar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-30012/18/2010-IR(M)]

DILIP KUMAR, Under Secy.

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.04/2011

Registered On: 29.04.2011

Sanjay Kumar, Pharmacist, S/o Sh. Daya Nand, R/o Village Dharamgarh, Gurukul Mor, Tehsil & District Panipat.

.....Workman

## Versus

1. Indian Oil Corporation Ltd. (IOCL), Panipat Refinery Project, Panipat, Through its Manager.
2. Lala Harbhagwan Dass Memorial Hospital & Prem Hospital, Panipat through its Manager/ Director.

.....Respondents

## AWARD

Passed On:22.12.2023

Central Government vide Notification No. L-30012/18/2010-IR(M) dated 07.04.2011, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the contract awarded by the management of IOCL, Panipat refinery is a sham contract and contractor M/s Lala Harbhagwan Dass Memorial Hospital & Prem Hospital, Panipat are a camouflaged & whether the job performed by the workmen is of perennial nature? If yes, the action of the management of IOCL in terminating the services of Sh. Sanjay Kumar, Pharmacist w.e.f. 18.07.2003 is just, fair and legal? To what relief the workman is entitled to and from which date?**

1. During the pendency of the proceedings before this Tribunal the case was fixed for remaining evidence of management but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.
2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given to the workman to cross examine the management witness but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 271.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्सुरेंस कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री सतपाल के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स नं.-33/2015) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/1/2016-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 271.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 33/2015**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Shri Satpal** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/1/2016-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.33/2015

Registered On: 22.02.2016

Sh. Satpal S/o Sh. Mehar Singh, R/o Gardra Patil, Village-Balu, Tehsil &amp; Distt.- Kaithal, Haryana.

.....Workman

**Versus**

1. The Divisional Manager, Life Insurance Corporation of India, Divisional Office, Karnal (Haryana)-132001.
2. The Chief Manager, Life Insurance Corporation of India, Near Geeta Bhawan, Kaithal, Haryana.

.....Managements

**AWARD****Passed On: 09.01.2024**

Central Government vide Notification No. L-17012/1/2016-IR(Management) dated 08.02.2016, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Life Insurance Corporation of India, Karnal Kaithal in termination the services of the workman Sh. Satpal, S/o Mehar Singh is legal and justified? If not, what relief the workman is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for evidence of workman but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.
2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given for evidence of workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 272.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स 4515, भलिंदर सिंह बरार सिक्योरिटी एजेंसी; सेंट्रल वेयर हाउसिंग कॉर्पोरेशन के प्रबंधन के संबद्ध नियोजकों और श्री बलबीर सिंह के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स न.-27/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-15]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 272.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 27/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s 4515, Bhalinder Singh Brar Security Agency; Central Ware Housing Corporation and Shri Balbir Singh** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-15]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.27/2019

Registered On:-10.06.2019

Balbir Singh S/o Sh. Sucha Singh Age 58 years R/o Vill. Kalley Road, Harikrishan Nagar, Cherrata, Amritsar, (Punjab) 143001.

.....Workman

#### Versus

1. M/s 4515, Bhalinder Singh Brar Security Agency, through its Proprietor Col. Bhalinder Singh Brar, SCF-33, 1<sup>st</sup> Floor, VIP Road-Zirakpur-140603.
2. The Manager, Central Ware Housing Corporation Integrated Check Post, Attari Amritsar-143001.

.....Respondents

#### AWARD

**Passed On:-12.01.2024**

1. The workman Sh. Balbir Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by respondent No.2 but none is responding on its behalf and workman is also not responding from many dates. Several opportunities have already been given to respondent No.2 to file written statement but of no use which denotes that the management and workman both are not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 273.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स एचडीएफसी स्टैण्डर्ड लाइफ इन्सुरेंस कंपनी लिमिटेड; मेसर्स एचडीएफसी लाइफ इन्सुरेंस कंपनी के प्रबंधन के संबद्ध नियोजकों और श्री राज कुमार सैनी के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स नं.-08/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-17]

दिलीप कुमार, अवर सचिव



New Delhi, the 8th February, 2024

**S.O. 273.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 08/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s HDFC Standard Life Insurance Company Limited; M/s HDFC Life Insurance Company** and **Shri Raj Kumar Saini** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-17]

DILIP KUMAR, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.08/2017

Registered On:-12.05.2017

Raj Kumar Saini S/o Sh. Balbir Singh, R/o V.P.O. Adamwal, Tehsil &amp; District Hoshiarpur, (Punjab)-146001.

.....Workman

**Versus**

1. M/s HDFC Standard Life Insurance Company Limited, 12-13 Flora, Lodha Excellence Apollo Mills Compound, NM Joshi Road, Mahalakshmi, Maharashtra, Mumbai-400011. Through its Managing Director.
2. M/s HDFC Life Insurance Company, 1<sup>st</sup> and II<sup>nd</sup> Floor, Gupta Champer, Opposite Commission Office, Jalandhar, Through its Branch Manager.

.....Respondents

**AWARD****Passed On:-16.01.2024**

1. The workman Sh. Raj Kumar Saini has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for filing replication but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 274.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एयरपोर्ट ऑथॉरिटी ऑफ़ इंडिया एंड अन्य; मेसर्स अश्वनी कुमार मॉडल एजेंसी के प्रबंधन के संबंध में नियोजकों और श्री बहादुर सिंह के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेंस नं.-58/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-16]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 274.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 58/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Airport Authority of India; Ashwani Kumar Model Agency** and **Shri Bahadur Singh** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-16]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.58/2019

Registered On:-21.08.2019

Sh. Bahadur Singh S/o Jaishi Ram, R/o Vill. Chharashu, P.O Mohal Tehsil & Distt. Kullu (HP) Pin Code 175126.

.....Workman

#### Versus

1. Airport Authority of India, # Corporate Head Quarter, Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi 110003.
2. Manager (Electrical Department) # Airport Authority of India, Kullu Manali Airport, Bhunter, (H.P.).
3. Ashwani Kumar Contractor # M/s Ashwani Kumar Model Agency, SCO No.107, Sector 35-C, Chandigarh.

.....Principle Employer

...Employer/ Contractor

#### AWARD

**Passed On:-12.01.2024**

1. The workman Sh. Bahadur Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by management but none is responding on its behalf, as workman is also not appearing from many dates. Several opportunities have already been given to the management to file written statement, as Workman is also not responding from many dates which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 275.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स गुजरात अम्बुजा सीमेंट लिमिटेड के प्रबंधन के संबंध में नियोजकों और श्री कृष्ण चंद के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेंस नं.-139/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-2]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 275.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 139/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Gujrat Ambuja Cement Ltd.** and **Shri Krishan Chand** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-2]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.139/2014

Registered On:-20.03.2015

Krishan Chand S/o Sh. Hari Ram, R/o Village Kunkunu, P.O. Navgaon, Tehsil Akri, Distt. Solan, H.P.

.....Workman

#### Versus

General Manager M/s Gujrat Ambuja Cement Ltd., House Unit Sub-Station No.3, Darlaghat, Tehsil Arki, Distt. Solan, H.P.

.....Respondent

#### AWARD

**Passed On:-06.12.2023**

1. The workman Krishan Chand has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 276.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे पी हिमाचल सीमेंट प्लांट एंड अन्य के प्रबंधन के संबंध में नियोजकों और श्री सुरेश कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स न.-74/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-11]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 276.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 74/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Jay Pee Himachal Cement Plant & Others** and **Shri Suresh Kumar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-11]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.74/2019

Registered On:-11.10.2019

Suresh Kumar S/o Sh. Babu Ram R/o Village and P.O. Dhar Totah Tehsil Sadar District, Bilaspur.

.....Workman

#### Versus

1. Senior General Manager (A&S) Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District, Solan HP.
2. Baldev Singh, Contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan HP.
3. Sansar Chand, contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan HP.

.....Managements

#### AWARD

**Passed On:-21.12.2023**

1. The workman Sh. Suresh Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by the respondents. It is submitted that the Ld. AR of Respondent No.1 & 3 that the workman is not turning up since long and prayed for dismissal of the present claim petition.
3. Perused the file and it is found that the submissions made by the Ld. AR of Respondent No.1 & 3 is true, as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 277.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे पी हिमाचल सीमेंट प्लांट एंड अन्य के प्रबंधन के संबद्ध नियोजकों और श्री राम पाल के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स न.-75/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-12]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 277.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 75/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Jay Pee Himachal Cement Plant & Others** and **Shri Ram Pal** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-12]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.75/2019

Registered On:-11.10.2019

Ram Pal S/o Sh. Lekh Ram R/o Village Jurassi P.O. Dubba Tehsil Sadar District Bilaspur.

.....Workman

#### Versus

Sansar Chand, contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan HP.

.....Management

#### AWARD

**Passed On: 21.12.2023**

1. The workman Sh. Ram Pal has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by the respondents. It is submitted that the Ld. AR of Respondent No.1 & 3 that the workman is not turning up since long and prayed for dismissal of the present claim petition.
3. Perused the file and it is found that the submissions made by the Ld. AR of Management is true, as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 278.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे पी हिमाचल सीमेंट प्लांट एंड अन्य के प्रबंधन के संबद्ध नियोजकों और श्री बलवंत कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स न.-76/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-13]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 278.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 76/2019**) of the **Central Government Industrial Tribunal**

**cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Jay Pee Himachal Cement Plant & Others** and **Shri Balwant Kumar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-13]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.76/2019

Registered On:-11.10.2019

Balwant Kumar S/o Sh.Budhi Ram R/o Village Phuglatta P.O. Soldha Tehsil Sadar District Bilaspur.

.....Workman

#### Versus

1. Senior General Manager (A&S) Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District, Solan HP.
2. S.K. Rai, Contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan, HP.
3. Bacha Tiwari, Contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan, H.P.
4. Sansar Chand, contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan HP.

.....Managements

#### AWARD

**Passed On:21.12.2023**

1. The workman Sh. Balwant Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by the respondents. It is submitted that the Ld. AR of Respondent No.1 & 3 that the workman is not turning up since long and prayed for dismissal of the present claim petition.
3. Perused the file and it is found that the submissions made by the Ld. AR of Respondent No.1 & 3 is true, as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 279.—**औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार जे पी हिमाचल सीमेंट प्लांट एंड अन्य के प्रबंधन के संबद्ध नियोजकों और श्री बाबू राम के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेन्स न.-77/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. जेड -16025/04/2024-आईआर(एम)-14]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 279.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 77/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in

relation to **Jay Pee Himachal Cement Plant & Others** and **Shri Balwant Kumar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. Z-16025/04/2024-IR(M)-14]

DILIP KUMAR, Under Secy.

### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.77/2019

Registered On:-11.10.2019

Babu Ram S/o Sh. Dalela Ram R/o Village Solej Jurassi P.O. Dubba Tehsil Sadar District Bilaspur.

.....Workman

#### Versus

1. Senior General Manager (A&S) Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District, Solan HP.
2. Baldev Singh, Contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan HP.
3. Sansar Chand, contractor C/o Jay Pee Himachal Cement Plant Bagga P.O. Kandhar Tehsil Arki District Solan HP.

.....Managements

#### AWARD

**Passed On: 21.12.2023**

1. The workman Sh. Babu Ram has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for filing written statement by the respondents. It is submitted that the Ld. AR of Respondent No.1 & 3 that the workman is not turning up since long and prayed for dismissal of the present claim petition.
3. Perused the file and it is found that the submissions made by the Ld. AR of Respondent No.1 & 3 is true, as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 280.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्श्योरन्स कारपोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री टीका उदय कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-15/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/26/2018-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 280.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 15/2019**) of the **Central Government Industrial Tribunal**

**cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri Teeka Uday kumar**, which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/26/2018-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT**  
**HYDERABAD**

Present: - **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 6<sup>th</sup> day of October, 2023

**INDUSTRIAL DISPUTE No. 15/2019**

Between:

Sri Teeka Uday Kumar,

D.No. 4-47, Ummalada Village,

Munagapaka Mandalam, Anakapalli City,

Visakhapatnam-531001.

.....Petitioner

AND

The Sr. Divisional Manager,

Life Insurance Corporation of India,

LIC Building, Jeevan Prakash Road,

Visakhapatnam-531001.

... Respondent

Appearances:

For the Petitioner : None

For the Respondent: Sri Vankatesh dixit, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-17012/26/2018-IR(M), dated 17.12.2018 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s Life Insurance Corporation of India and their workman. The reference is,

**SCHEDULE**

1.“Whether Sh. Teeka Uday Kumar, designated as Direct Sales Executives (DSE-9089069) under the management of the Life Insurance Corporation of India, Divisional Office, Visakhapatnam is workman as per section 2(s) of the ID Act, 1947?

If yes, whether the termination from 01.04.2018 of the services of Sh. Teeka Uday Kumar designated as Direct Sales Executive (DSE) by the Management of the Life Insurance Corporation of India, Divisional Office, Visakhapatnam is fair, legal and justified? If not, then what relief(s) including reinstatement in service the workman is entitled to and from which date? What other directions (if any) are necessary in this regard?

“2. Whether the action of Management of Life Insurance Corporation of India, Visakhapatnam upon introduction of new scheme named as Chief Organizer (LIC Direct) Scheme, 2015 in place of the erstwhile LIC (Direct Sales Executives) Scheme, 2009 with its amendment by allegedly depriving the workman by changing the conditions of his services in terms of job security remuneration etc. is legal and/ or justified? If not, what relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 15/2019 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Respondent present. This case belongs to year 2019 and lingering for filing of claim statement by petitioner. Record reveals that notice served on Petitioner but none present on behalf of Petitioner. In absence of Petitioner and claim statement, the case is dismissed for default and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.



Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 06<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 8 फरवरी, 2024

का.आ. 281.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्शुरन्स कारपोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री नक्का नारायणा राव के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-95/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/15/2014- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 281.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 95/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri Nakka Narayana Rao**, which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/15/2014-IR(M)]

DILIP KUMAR, Under Secy.

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT  
HYDERABAD

Present: - **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 18<sup>th</sup> day of October, 2023

**INDUSTRIAL DISPUTE No. 95/2014**

Between:

Sri Nakka Narayana Rao,

S/o Dharmayya,

D.No.40131, Near Penthekostu Church,

SC Colony, Komarajulanka, Ravulapalem,

E.G. District – 533238.

.....Petitioner

AND

1. The Branch Manager,  
LIC of India,  
Ravulapalem Branch,  
Ravulapalem  
E.G. Dist.
2. The Sr. Divisional Manager,  
LIC of India, Divisional Office,  
Jeevan Godavari, Morampudi,  
Rajahmundry.

... Respondents

Appearances:

For the Petitioner : Party in Person

For the Respondent: Sri Venkatesh Dixit, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-17012/ 15/2014-IR(M) dated 12.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Life Insurance Corporation of India and their workman. The reference is,

**SCHEDULE**

“Whether the removal from service of Sri N. Narayana Rao, Ex.Temp. Class –IV, LIC of India, Ravulapalem Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No.95/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. On the date fixed for filing of claim statement Petitioner remained absent despite sufficient number of opportunities have been provided to him. It thus becomes crystal clear that the petitioner seems to be not interested in pursuing his case. Due to absence of Petitioner and non-filing of claim statement case is dismissed for default and a ‘No claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 18<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 282.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्शुरन्स कारपोरेशन ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री च. रूप कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-177/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/58/2014-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 282.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 177/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri Ch. Rup Kumar**, which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/58/2014-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT**  
**HYDERABAD**

Present: - **Sri IRFAN QAMAR**  
Presiding Officer

Dated the 25<sup>th</sup> day of October, 2023

**INDUSTRIAL DISPUTE No. 177/2014**

Between:

Sri Ch. Rup Kumar,

C/o T. Satyanarayana,

D.No.2-171, Pata Post Office Centre,

Bommuru, Rajahmundry,

E.G. Dist.

.....Petitioner

AND

The Sr. Divisional Manager,

LIC of India, Divisional Office,

Jeevan Godavari, Morampudi,

Rajahmundry.

... Respondent

Appearances:

For the Petitioner : Sri V.V. Rama Krishna, Advocate

For the Respondent: Sri Venkatesh Dixit, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-17012/ 58/2014-IR(M) dated 4.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Life Insurance Corporation of India and their workman. The reference is,

**SCHEDULE**

“Whether the removal from service of Sri Ch. Rup Kumar, Ex.Temp. Class –IV, LIC of India, Rajahmundry D.O. Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 177/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. Petitioner absent on the date fixed for Petitioner evidence. Respondent present. Record reveals that Petitioner is not appearing in this case since the year 2018. It seems that Petitioner is not interested to pursue his case. In spite of providing sufficient opportunity, Petitioner did not choose to file evidence affidavit. Hence, absence of Petitioner and non-filing Petitioner evidence affidavit to substantiate his claim, case is dismissed for default and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 25<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

## Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

## Documents marked for the Petitioner

NIL

## Documents marked for the Respondent

NIL

नई दिल्ली, 8 फरवरी, 2024

का.आ. 283.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्शुरन्स कारपोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री ज. दुर्गा प्रसाद के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-100/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/20/2014-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

S.O. 283.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 100/2014) of the Central Government Industrial Tribunal cum Labour Court, Hyderabad as shown in the Annexure, in the Industrial dispute between the employers in relation to Life Insurance Corporation of India and Sri J. Durga Prasad, which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/20/2014-IR(M)]

DILIP KUMAR, Under Secy.

## ANNEXURE

## IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - Sri IRFAN QAMAR  
Presiding Officer

Dated the 25<sup>th</sup> day of October, 2023

## INDUSTRIAL DISPUTE No. 100/2014

Between:

Sri J. Durga Prasad,  
C/o G. Abbal,  
D.No.2-67, Kothapeta,  
Near Water Tank,  
Bommuru (P.O.), Rajahmundry (Rural),  
Rajahmundry.

.....Petitioner

AND

The Sr. Divisional Manager,  
LIC of India, Divisional Office,  
Jeevan Godavari, Morampudi,  
Rajahmundry.

... Respondent

## Appearances:

For the Petitioner : Sri V.V. Rama Krishna, Advocate

For the Respondent: Sri Venkatesh Dixit, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-17012/ 20/2014-IR(M) dated 13.5.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Life Insurance Corporation of India and their workman. The reference is,

**SCHEDULE**

“Whether the removal from service of Sri K. Durga Prasad, Ex.Temp. Class –IV, LIC of India, Rajahmundry D.O. w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 100/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. Petitioner absent on the date fixed for Petitioner evidence. Respondent present. Record reveals that Petitioner is continuously remained absent since July, 2019. It seems that Petitioner is not interested to pursue his case. In spite of providing sufficient opportunity, Petitioner did not choose to file evidence affidavit. Hence, absence of Petitioner and non-filing Petitioner evidence affidavit to substantiate his claim, case is dismissed for default and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 19<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 284.**—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार लाइफ इन्शुरन्स कारपोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री एन. श्रीनिवासु के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, हैदराबाद, पंचाट (रिफरेन्स न.-180/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/61/2014-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 284.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 180/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Life Insurance Corporation of India** and **Sri N. Srinivasu**, which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/61/2014-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT**  
**HYDERABAD**

Present: - **Sri IRFAN QAMAR**  
 Presiding Officer

Dated the 25<sup>th</sup> day of October, 2023

**INDUSTRIAL DISPUTE No. 180/2014**

Between:

Sri N. Srinivasu,  
 S/o Krishna Murthy,  
 Pekeru (P.O.)  
 Iragavaram (M),  
 W.G.. Dist.-534320.  
 AND

.....Petitioner

1. The Sr. Divisional Manager,  
 LIC of India, Divisional Office,  
 Jeevan Godavari, Morampudi,  
 Rajahmundry.
2. The Branch Mangaer,  
 LIC of India,  
 Tanuku Branch,  
 Tanuku,  
 W.G. Dist.

... Respondents Appearances:

For the Petitioner : Sri V.V. Rama Krishna, Advocate  
 For the Respondent: Sri Venkatesh Dixit, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No.L-17012/ 61/2014-IR(M) dated 4.8.2014 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of Life Insurance Corporation of India and their workman. The reference is,

**SCHEDULE**

“Whether the removal from service of Sri N.. Srinivasu, Ex.Temp. Class –IV, LIC of India, Tanuku Branch w.e.f. 28.1.2013 is legal and justified? If not, what other relief the workman is entitled to?”

The reference is numbered in this Tribunal as I.D. No. 180/2014 and notices were issued to the parties concerned and the Petitioner entered appearance.

2. Petitioner absent on the date fixed for Petitioner evidence. Respondent present. Record reveals that Petitioner is continuously remained absent since the year 2018. It seems that Petitioner is not interested to pursue his case. In spite of providing sufficient opportunity, Petitioner did not choose to file evidence affidavit. Hence, absence of Petitioner and non-filing Petitioner evidence affidavit to substantiate his claim, case is dismissed for default and a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 25<sup>th</sup> day of October, 2023.

IRFAN QAMAR, Presiding Officer

**Appendix of evidence**

Witnesses examined for the  
 Petitioner  
 NIL

Witnesses examined for the  
 Respondent  
 NIL

**Documents marked for the Petitioner**

NIL

**Documents marked for the Respondent**

NIL

नई दिल्ली, 8 फरवरी, 2024

का.आ. 285.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स ओरिएण्टल इन्सुरेंस कंपनी लिमिटेड के प्रबंधन के संबंधित नियोजकों और श्री सुनील कुमार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चंडीगढ़-1, पंचाट (रिफरेंस न.-31/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17012/21/2019-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 285.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 31/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Chandigarh-1** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Oriental Insurance Company Limited** and **Mr. Sunil Kumar** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17012/21/2019-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.31/2019

Registered On: 18.06.2019

Sunil Kumar S/o Sh. Jagdish Sharma R/o Gali No.3, Ekta Bhawan, Vinod Nagar, Mill Gate, Hisar (Haryana).

.....Workman

**Versus**

1. The Chairman-cum-Managing Director, M/s Oriental Insurance Company Ltd. H.O.—Oriental House, P.B. No. 7037mA-2527, Asaf Ali Road, New Delhi-110023.
2. The Deputy Manager & Appellate Authority, M/s Oriental Insurance Company Ltd. 2<sup>nd</sup> Floor, Jeevan Jyoti Bhawan, Jagadhari Road, Ambala Cantt. (Haryana), Pin Code-133001.
3. The Assistant Manager, M/s Oriental Insurance Company Ltd. 2<sup>nd</sup> Floor, Jeevan Jyoti Bhawan, Jagadhari Road, Ambala Cantt. (Haryana), Pin Code-133001.

.....Managements

**AWARD****Passed On: 22.12.2023**

Central Government vide Reference No. L-17012/21/2019-IR(M) dated 27.05.2019, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Oriental Insurance Company Limited in terminating the services of Sh. Sunil Kumar Sharma S/o Sh. Jagdish Sharma, Sub Staff vide Order dated 10.02.2012 is fair, legal and justified? If not, what relief Sh. Sunil Kumar Sharma is entitled to and from which date? What other directions, if any, are necessary in the matter?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing claim statement by workman but none is responding on its behalf. Several opportunities have already been given to the workman but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits.
2. Since the workman has neither put his appearance since long nor he has filed any claim statement to prove his cause against the management, as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for non-prosecution of the workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 286.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और गुरप्रीत सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (167/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-86]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 286.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 167/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gurpreet Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-86]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 167/2016

Registered On:-11/11/2016

Gurpreet Singh S/o Sh. Mohan Lal R/o Village Malaur P.O. Chaur Mastpura Distt. Ambala (Haryana), C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

#### Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents



**AWARD****Passed On:-12.12.2023**

1. The workman Sh. Gurpreet Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 287.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और संजय सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (168/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-87]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 287.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 168/2016) of the Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sapna.Worker.**

[No. L-12025/01/2024- IR(B-I)-87]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 168/2016

Registered On:-11/11/2016

Sapna W/o Ashwani Kumar R/o Near Pathi Streets, New Basti, Badhungar, Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Smt. Sapna has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 288.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और अजित सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (169/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-88]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 288.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 169/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Ajit Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-88]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.169/2016

Registered On:-11/11/2016

Ajit Singh S/o Sh. Gurcharan Dass R/o H.No.6, Mohalla No.31, Jalandhar Cantt, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Sh. Ajit Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 289.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और अश्वनी कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (170/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-89]

सलोनी, उप निदेशक

New Delhi, the 8th February, 2024

**S.O. 289.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 170/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The **Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Ashwani Kumar.Worker.**

[No. L-12025/01/2024- IR(B-I)-89]

SALONI, Dy. Director

**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.****Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.170/2016

Registered On:-11/11/2016

Ashwani Kumar S/o Sh. Som Nath R/o New Pathi Street, New Basti, Badungar Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Sh. Ashwani Kumar has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 8 फरवरी, 2024

का.आ. 290.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भिलाई स्टील प्लांट, सेल; मेसर्स ऑटो रिपेयर शॉप के प्रबंधन के संबंध में नियोजकों और जनरल सेक्रेटरी, लोकतान्त्रिक इस्पात एंड इंजीनियरिंग मज़दूर यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.-20/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-26011/25/2018-आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 290.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 20/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Bhilai Steel Plant, SAIL; M/s Auto Repair Shop and The General Secretary, Loktantrik Ispat & Engineering Mazdoor Union** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-26011/25/2018-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/20/2019****Present: P.K.Srivastava****H.J.S..( Retd)****The General Secretary,****Loktantrik Ispat & Engineering Mazdoor Union,****R/o At-Labour Camp, Jamul, Bhilai,****District - Durg, Chhattisgarh - 490024****Workman****Versus****The Chief Executive Officer,****M/s Bhilai Steel Plant, SAIL,****Post-Bhilai, District - Durg,****Chhattisgarh-490001.**

**The Incharge,  
M/s Auto Repair Shop, Plant Garage,  
Bhilai Steel Plant, Bhilai, District - Durg,  
Chhattisgarh - 490001.**

**Management**

**AWARD**

**(Passed on this 09<sup>th</sup> day of January-2024.)**

As per letter dated 10/01/2019 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference No. L-26011/25/2018 - IR(M) dt. 10/01/2019. The dispute under reference related to :-

**"Whether the Applicants Shri Dhananjay Kumar Dubey (Personnel No. 152849) & Others (as per list annexed by the Union) who were placed in the Line of Promotion (LOP) of the Merged Pool are entitled to be placed in the Line of Promotion, in their erstwhile Vehicle Section & EME Section under the Auto Repair Shop of Bhilai Steel Plant, SAIL and for corresponding seniority, promotion & other related consequential benefits from the date of their respective initial appointment in that Section or what other relief the workmen are entitled to?"**

After registering a case on reference received, notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman never appeared nor did he file any statement of claim, Management filed a statement of defence.

Vide order dated 9/03/2022 the reference proceeded ex-parte against workman.

Management filed an affidavit of its witness in support of its case.

Heard ex-parte argument of Shri R.C. Srivastava Learned Counsel of management and perused the record.

Reference is itself an issue for determination.

Initial burden to prove his claim is on the workman in which he has utterly failed as it is established from the facts mentioned above. Hence holding the claim not proved the reference deserved to answer against the workman and answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 8 फरवरी, 2024

**का.आ. 291.—**औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार/यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, कोलकाता, पंचाट (रिफरेन्स न.-06/2011) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 08.02.2024 को प्राप्त हुआ था।

[सं. एल-17011/2/2011- आईआर(एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 8th February, 2024

**S.O. 291.—**In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 06/2011**) of the **Central Government Industrial Tribunal cum Labour Court, Kolkata** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India and Their Workman/Union** which was received along with soft copy of the award by the Central Government on 08.02.2024.

[No. L-17011/2/2011-IR(M)]

DILIP KUMAR, Under Secy.

**ANNEXURE**  
**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

**Present: Justice K. D. Bhutia, Presiding Officer.**

**REF. NO. 06 OF 2011**

**Parties: Employers in relation to the management of**

**LIC of India**

**AND**

**Their Workman/Union**

Appearance:

On behalf of the Management : Mr. Debtosh Chakraborty, Authorised Representative.

On behalf of the Workman : Mr. Dipak Kumar Pal, Advocate.

**Dated: 21<sup>st</sup> November, 2023**

**AWARD**

Govt. of India, Ministry of Labour vide Order No. L-17011/2/2011- IR(M) dated 07-09-2011 in exercise of the power conferred under section 10(1)(b) and (2A) of the Industrial Dispute Act, 1947 has referred the following dispute to this Tribunal for adjudication.

“Whether the action of the management of LIC of India for not promoting Ex-serviceman Shri Amar Kr. Dey, working as typist since 1987 and thus denying him the promotion as per LIC Promotion Rules is justified? What relief the concerned employee is entitled to?”

The facts giving rise to the present reference in gist is that Shri Amar Kumar Dey was a Havilder Clerk of Electrical Mechanical Corps of Indian Army. He was born on 05-06-1958 as per certificate of discharge (Exb. W/15). He joined the Defence Service on 12<sup>th</sup> April, 1980 and was discharged from Defence Service on 01-07-1988. Then he was appointed as Typist in the Cadre of Class-III Clerical Staff in LIC in the year 1989 on re-employment as an Ex-serviceman.

In the due course of his employment as a Typist Clerk, he appeared in the departmental test for promotion to the cadre of H.G.A. (Administration) on 31-08-1997 and he was declared qualified in the test and ranked in 28<sup>th</sup> position on 09-09-1997. However, it has been alleged by the union which has espoused the present dispute despite being placed on 28<sup>th</sup> position among 75 qualified candidates for promotion he was never promoted to the higher grade by the management of LIC. That he was superseded by junior employees from the year 1997 to 2010. That though he being an Ex-serviceman but having joined a regular post in LIC, he is entitled to promotion for higher post on completion of one year service as per LIC Promotion Rules, 1987 or in case no promotion was given to him then he is entitled to one higher grade scale of pay. Therefore, by raising the present dispute the union has sought for a regular promotion to the post of Higher Grade Assistant to the concerned workman with retrospective effect from 23-08-1990 as per Rule 7 of LIC Promotion Rules, 1987 or any other relief to which he is entitled to.

On the other hand it has been contended by the LIC in its written statement that the concerned workman being an Ex-serviceman and not being an Ex-emergency/Short Service/Regular Commissioned Officer or Schedule Caste/ Schedule Tribes candidate he is not entitled to get any promotion to the higher post. Therefore, he is not entitled to get the relaxation provided under Cluse-7 of LIC Promotion Rules, 1987.

It has also been alleged, to get promotion to the higher rank one has to obtain minimum aggregate marks in respect of the Seniority, Qualification and Confidential Report. The promotion is based on merit, suitability of the candidate for a particular post and seniority. Merit and suitability are judged by confidential report or interviews or through examinations.

The concerned workman though passed the departmental test for promotion to the cadre of Higher Grade Assistant in the year 1997 but he never attained the minimum marks in respect of seniority, qualification and confidential report to appear for interview.

Further, it has been alleged by the management that in the year 2007-08 and 2009-10 a list of candidates for promotion to the cadre of Higher Grade Assistant was prepared but the concerned workman failed to attain the minimum marks for promotion.

That the concerned workman moved the Hon'ble High Court by filing a writ petition being No. 12170(W) of 2011 for his promotion but the said writ petition was ultimately dismissed for non-prosecution.

The concerned workman having failed to obtain necessary marks for promotion and as such he was disqualified for promotion and he was never superseded. Thus the management of LIC has prayed for dismissal of the reference.

The record shows the concerned workman has examined himself as W.W. No.1. On the other hand Smt. Tinni Mukherjee, Administrative Officer was examined as M.W.No.1. The order sheet dated 07-05-2014 further shows 29 documents filed by the union/workman have been marked as Exhibit-W-1 to W-29 on formal proof being dispensed with on. Similarly, 8 documents filed by the management have been marked as Exhibit-M-1 to M-8 on formal proof being dispensed with.

Having considered the pleadings of the parties, both oral and documentary evidence as well as the written notes of argument filed by both sides and to adjudicate the dispute under reference it is necessary to find out whether the concerned workman an Ex-serviceman was re-employed against a sanctioned regular post of Typist in the Cadre of Class-III Clerical Staff in LIC in the year 1989.

Exhibit-W-2 the appointment letter of the workman shows that he having qualified in an interview for the post of Typist in LIC, he was appointed as a Typist in the basic pay of Rs.1,000/- per month, while Exhibit-W-3 shows the workman an Ex-serviceman joined the service of a Typist in LIC w.e.f. 23-08-1989 and his basic pay was fixed at Rs.1,240/- per month. Clause -3 of Appointment Letter further shows the appointment of the concerned workman shall be governed by the Staff Regulation of the Corporation and by such instructions and/or orders that may be issued orally and in writing. Clauses-4 and 5 provides that he will be on probation for a period of six months from the date of joining the duty and which may be extended by another six months and subject to discharge without notice and without cause being assigned. Clause-6 provides that his working hours will be 6-1/4 hours excluding lunch interval on all weak days except Saturdays and 3-1/2 hours on Saturdays and which is subject to change from time to time. Clause-9 provides that his service is subject to transfer anywhere in India where the Corporation has its office. The clause -12 provides that he was allotted Salary Roll No. 340390.

The terms and conditions contained in the appointment letter prima facie proves the concerned workman was given appointment against a sanctioned post of a Typist or against a regular vacancy. It nowhere contains that he was given appointment in the quota of Ex-serviceman. It further shows that his service condition was subjected to Staff Regulations of the Corporation i.e. LIC Staff (Rules). Therefore, this Tribunal is of view the concerned workman joined LIC as a Typist Class-III staff and whose appointment was subjected to LIC Staff (Rules).

It is the case of the management the workman being an Ex-serviceman he is not entitled to get benefit of relaxation as provided in clause-7 of Life Insurance Corporation of India Class-III & Class-IV Employees (Promotion) Rules, 1987 and as such he is not eligible for promotion to the higher post.

It is very unfortunate to note that the management of LIC has failed to produce Life Insurance Corporation of India Class-III & Class-IV Employees (Promotion) Rules, 1987 to substantiate its case and claim. However, the Tribunal has downloaded the above rules from internet and which read as follows:-

**The Life Insurance Corporation of India Class III and Class IV employees (Promotion) Rules, 1987.**

G.S.R. 824(E) – In exercise of the powers conferred by section 48 of the Life Insurance Corporation Act, 1956 (31 of 1956) and in supersession of the Life Insurance Corporation of India (Promotion) Regulations, 1976 issued under section 49 of the said Act, except as respect things done or omitted to be done before such supersession, the Central Government hereby makes the following rules regulating the promotions of Class III and Class IV employees of the Life Insurance Corporation of India, namely:-

**1. Short title and commencement:**

(1) These rules may be called the Life Insurance Corporation of India Class III and Class IV employees (Promotion) Rules, 1987.

(2) They shall come into force on the date of their publication in the Official Gazette.

**2. Definition:** In these rules, unless the context otherwise requires,-

- (a) “Act” means the Life Insurance Corporation Act 1956 (31 of 1956);
- (b) “Employee” means a whole time salaried employee of the Life Insurance Corporation of India;
- (c) “Promoting authority” means the appointing authority under the Staff Regulation;
- (d) “Promotion committee” means the committee constituted in accordance with regulation 7 of the Staff Regulations;
- (e) “Schedule” means the Schedule annexed to these rules;
- (f) “Staff Regulations” means the Life Insurance Corporation of India (Staff) Regulations 1960.

- (g) “Zone of Selection” means the specified area in which the employee competes for selection by promotion;
- (h) All other words and expressions used in these rules and not defined but defined in the Staff Regulations shall have the meaning assigned to them in the Staff Regulations.

**3. Zone of selection:**

- (1) Promotions to the cadre of Assistant Administrative Officers, other than those mentioned in sub rule(3), shall be effected from among the eligible employees in all the offices situated within the territorial limit of a Zonal Office.
- (2) (a) Promotions to all cadres in Class III including promotions to the posts of Engineering or Architectural Assistants Grade II and Grade III and Higher Grade Assistant (Projectionist) shall be effected from among the eligible employees in all the offices situated within the territorial limit of a Zonal Office
- (b) Promotion to all cadres in Class IV shall be effected from among the eligible employee in all the offices situated within the territorial limit of a Divisional Office.
- (3) Promotion to the post of Assistant Engineer or Assistant Architect in the scale of Assistant Administrative Officers shall be effected from among the eligible employees on an all-India basis.

**4. Vacancies:**

- (1) Promotions shall be effected only against vacancies against sanctioned posts.
- (2) Posts shall be reserved for employees belonging to the Scheduled Castes and the Scheduled Tribes and ex-emergency or Short Commissioned Officers in accordance with the orders issued by the Central Government from time to time.

**5. Conditions of eligibility and criteria for selection:**

- (1) The categories of employees eligible for promotion to various cadres, their conditions of eligibility for promotion and criteria for their selection shall be as specified in the Schedule.
- (2) Notwithstanding anything contained in sub-rule (1), the Chairman may direct that an employee who has excelled in any field of sports or athletics at the national or international level or has received any national or international award in any cultural, literacy or, scientific activity, may be promoted to the next higher cadre.

**6. Selection of candidates for promotion:**

- (1) There shall be prepared a panel of all eligible employees in the order of total marks obtained on the basis of criteria of selection specified in rule 5.
- (2) Out of the panel prepared in accordance with sub-rule (1), all the candidates in the order of merit equal to five times the number of vacancies may be called for interview by the Promotion Committee: Provided that an employee with below average work record, as per standards specified by the Chairman shall not be included in the panel prepared under sub-rule (1).
- (3) The Promotion Committee shall, after interviewing the candidates prepare a ranking list on the basis of the criteria laid down in the Schedule which shall be determined on the basis of the total marks gained by the candidate for seniority, qualifications and confidential report and interview.
- (4) If the Promoting Authority is unable to accept the recommendations of the Promotion Committee in any particular case, it shall record in writing, the reasons for disagreeing with the recommendations of the Committee and pass such orders as it deem fit. The ranking list, as finally approved by the Promoting Authority, shall remain in force for a period of one year from the date it was prepared. The Chairman may, in exceptional circumstances, for reasons to be recorded in writing, extend the period of validity of the ranking list by a further period not exceeding one year.
- (5) Actual selection and appointment of the candidates against sanctioned vacancies shall be made by the Promoting Authority from the ranking list in the order of merit:

Provided that an employee shall not be promoted, if at any time during the preceding one year, any penalty has been imposed on him under regulation 39 of the Staff Regulations.

**7. Selection by departmental test:**

- (1) Wherever departmental tests are specified in the Schedule for promotion, the syllabus or such test shall be as determined by the Chairman.



- (2) The conditions of eligibility including seniority and qualifications for appearing in the departmental test shall be reckoned as on the 1st day of the month in which the notification is issued for promotion by the Promoting Authority: Provided that only such of the employees who have completed the period of service specified for eligibility for promotion to any post shall be allowed to appear in the said departmental test.[Provided further that the period of training, if any, relevant to the post of Assistant, prior to appointment on probation prescribed by the provisions relating to recruitment shall count as service in the scale of Assistant only for the purpose of eligibility for promotion]\*

#### 8. Relaxation:

The Chairman may, subject to the provisions of sub-rule (2) of rule 4, by general or special instruction, relax any of the provisions of these rules in case of employees belonging to the Scheduled Castes, the Scheduled Tribes, ex-emergency Officers or Short-commissioned Officers.

#### 9. Appeals:

Any aggrieved employee may, within one month from the date on which the ranking list is published, represent against his non-selection through proper channel to the authority to which the promoting authority is immediately subordinate and such an authority may consider the representations and pass such orders as it deems fit.

#### 10. Powers to issue instructions:

(1) The Chairman may, from time to time, issue instructions as may be necessary to give effect to an implementation of the provisions of these rules.

(2) In particular and without prejudice to the generality of the provisions of sub-rule (1), such instructions may provide for basis for detailed allocation of marks for seniority, qualification and confidential reports (work record) within the ceiling specified under these rules.

#### 11. Interpretation:

If any doubt arises as regards interpretation of these rules, it shall be referred to the Central Government for its decision.

### SCHEDULE

(See Rules 2(3), 5, 6 and 7)

#### CONDITIONS OF ELIGIBILITY FOR PROMOTIONS TO VARIOUS CADRES

Sl. No.	For Promotion to the cadre of	Categories eligible	Conditions of eligibility	Marks to be allotted
1.	Assistant Administrative Officers	a) i) Higher Grade Assistants b) ii) Section Heads	a) 5 years' service in the scale of Higher Grade Assistants. Minimum service relaxable up to 3 years by Chairman depending upon the availability of candidates in the said cadre OR 6 years' service in the scale of Section Heads OR Combined service of 6 years in the scale of Higher Grade Assistant and/or Section Head.	a) Qualification and seniority: (Maximum of 10 marks for qualification and 20 marks for seniority) Maximum for both 25 Work Record 25 Interview 25
		b) [Assistants and Stenographers]*	b) 5 years' service in the scale of Assistants or Higher and maximum age [45]# years with academic qualifications Matric/HSC and technical qualification FFII Bombay or 5 subjects of Institute of Actuaries, London [or Actuarial Society of India]** and a pass in Promotion Test.	b) For selection of Assistant etc. who passed promotion test ; Test 50 Work record 25 Interview-25

		c) Higher Grade Assistants @	@Regular employees with minimum two years service as HGA (Finance) with maximum age 45 years and pass in the final exam of Institute of Chartered Accountants of India or Institute of Company Secretaries of India or Institute of Cost Accountants of India and have acquired membership of the respective Institute/Body	@ Work Record 25 Interview 25
2.	Assistant Administrative Officer (Personal Assistant)	Higher Grade Assistants (Stenographers)	5 years' service as Higher Grade Assistants (Stenographer)	Qualification and Seniority: (Maximum 10 marks for qualification and 20 marks Assistants) for seniority)Maximum for both 25 Work Record 25 Interview 25
3.	Mobile Van Officers (Assistant Administrative Officers)	Higher Grade Assistants (Projectionists) and other categories which satisfy the standards laid down for direct recruitment from time to time	5 years' service in the cadre of Higher Grade Assistants. (Projectionists)	Qualification and seniority: (Maximum of 10 marks for qualification and 20 marks for seniority) Maximum for both 25 Work Record 25 Interview 25

[ ]\* Notified in Gazette of India dated 30.04.1990 and came into force with immediate effect (date of notification)

[ ]\*\* Notified in Gazette of India dated 22.04.1997 and came into force with immediate effect (date of notification)

[ ] # Notified in Gazette of India dated 21.10.2011 and came into force with immediate effect (date of notification)  
(G.S.R.No.779 (E))

@ Notified in Gazette of India dated 12.09.2012 and came into force with immediate effect (date of notification)  
(G.S.R.No.690 (E))

Sl. No.	For Promotion to the cadre of	Categories eligible	Conditions of eligibility	Marks to be allotted
4.	Assistant Administrative Officers (Programmer)	i) Higher Grade Assistants  ii) ii) Section Heads	5 years' service in the scale of Higher Grade Assistants OR 6 years' service in the scale of Section Heads AND A pass in the Aptitude Test for all except Higher Grade Assistants (Programmer)	Qualification and seniority: (Maximum of 10 marks for qualification and 20 marks for seniority) Maximum for both 25 Work Record 25 Interview 25.
5.	Higher Grade Assistants	Section Heads Stenographers Assistants and all other employees on the scale of Section Heads or Assistants.	a) Section Heads OR b) 5 years' service in the scale of [Assistant or Stenographer]* and a pass in the Departmental Test or on acquiring prescribed technical qualifications OR c)	Qualification and seniority: (Maximum of 10 marks for qualification and 20 marks for seniority) Maximum for both 25 Work Record 25 Interview 25

			10years' service in the scale of [Assistants or Stenographers]*	
6.	Higher Grade Assistants (Stenographers)	Stenographer	5 years service as Stenographers	Qualification and seniority: (Maximum of 10 marks for qualification and 20 marks for seniority) Maximum for both 25 Work Record 25 Interview 25
7.	Higher Grade Assistants (Projectionist)	Projectionist	5 years' service as Projectionist	
8.	Higher Grade Assistants (Programmers)	Section Heads Microprocessor Operators, [Assistants and Stenographers]*	Section Head (Machine) OR Section Head other than Section Head (Machine) With knowledge of ---"--- Key Punch operation or Computer Course OR 5 years' service as Microprocessor Operator OR 5 years' service and knowledge of Key Punch operation or Computer Course for those in the scale of [Assistants or stenographers]*and a pass in Aptitude Test for all	
9.	Higher Grade Assistant (Data Processing)	Punch Card Operators Adrema Operators	5 years' service as Punch Card Operator or Adrema Operator	

[ ]\* Notified in gazette of India dated 30.04.1990 and came into force with immediate effect (date of notification).

Sl. No.	For Promotion to the cadre of	Categories eligible	Conditions of eligibility	Marks to be allotted
10	Assistants	a) Record Clerks	Graduate Record Clerks OR Record Clerks possessing direct recruitment qualifications prescribed for the post of Assistant from time to time; OR 5 years' service as Record Clerk and pass in SSC Exam. If qualified before 1979, otherwise HSC(Std.XII); OR 10 years' service as Record Clerk and a pass in the Departmental Test [OR 15 years' service as Record Clerk]*	. Marks will be allotted as follows: Seniority -15 Qualification -10 Work Record -30 Interview-30
		b) All Class-IV Staff	** 2 years' service in Class-IV category possessing qualifications prescribed for direct	** Promotion Test -50 Work Record -25 Interview-25

			recruits for the post of Assistant and pass in the Promotion Test	
11.	Record Clerks	b) All Class-IV Staff	2 years' service in Class-IV category and a pass in Departmental Test OR 2 years' service in Class-IV category and a pass in Secondary School Certificate or equivalent examination with English and Mathematics OR Graduation	Seniority 15 Qualification 5 Work Record 40 Interview 20
12	Sepoys/ Watchmen/ Liftmen	Sweepers & Cleaners	3 years' service and possessing minimum qualification of VII Std.pass.	
13	Assistant Engineers/ Assistant Architects	i) Engineering/ Architectural Assistants Gr.I ii) Engineering/ Architectural Assistants Gr.II	All Engineering/ Architectural Assistants Grade-I OR All Engineering/ Architectural Assistants Grade-II with 3 years' service and holding a degree in Engineering/ Architecture OR All Engineering/ Architectural Assistants Grade-II with 5 years' service and holding a diploma in Engineering/ Architecture.	Qualification and seniority: (Maximum 10 marks for qualification and 20 marks for seniority)Maximum for both 25Work Record 25Interview 25

[ ] \* Notified in gazette of India dated 30.04.1990 and came into force with immediate effect (date of notification)

[ ] \*\* Notified in gazette of India dated 22.04.1997 and came into force with immediate effect (date of notification)

Sl. No.	For Promotion to the cadre of	Categories eligible	Conditions of eligibility	Marks to be allotted
14.	Engineering/ Architectural Assistants Grade-II	Engineering/ Architectural Assistants Grade-III	All Engineering/ Architectural Assistants Grade-III with 2 years' service and holding a degree in Engineering/ Architecture OR All Engineering Assistants Grade-III with 5 years' service and holding a diploma in Engineering/ Architecture	Qualification and seniority: (Maximum 10 marks for qualification and 20 marks for seniority)Maximum for both 25 Work Record 25 Interview 25
15.	Engineering/ Architectural Assistants Grade- III	Plumbers/Electricians/ Painters/ Polishers/ Masons /Pump Mechanics/ Carpenters/Mistries/ Ferro Printers	5 years' service and a diploma in Engineering	Seniority 15 Qualification 10 Work Record 30 Interview 30
16.	Plumbers/Painters/	Helpers/Watermen	5 years' service and a	Seniority 15 Qualification 5

	Polishers/Masons / Pump Mechanics/ Carpenters/ Mistris/		prescribed certificate in the respective trade OR 10 years' service and a certificate from the office of the Engineering/Building Department certifying the skill and competence in the respective trade	Work Record 40 Interview 20
17	Electricians	Helpers	5 years' service and a Wireman's certificate	

**Note:** a) "Prescribed technical qualifications" mean any one of the following:-

- Associateship of Federation of Insurance Institutes/Chartered Insurance Institute or Diploma of the Indian Life Assurance Offices' Association.
- Intermediate of the Institute of Chartered Accounts of India.
- Pass in any two subjects of the Institute of Actuaries, London [or Actuarial Society of India]\*\*
- Pass in the final examination of the Institute of Cost and Work Accountants of India.
- Graduate examination in law with at least 50% marks in the aggregate.
- LL.M. or M.Com. Or Ph.D. or M.B.A.

b) Certificate/ Diploma/ Degree should pertain to the respective wing, such as, Civil, Electrical or Architectural Wing, as the case may be. \*\*

c) Promotions to the cadre of Assistants under Sr.No.10 from all Class-IV Staff shall not exceed 10% of the vacancies sanctioned in the said post.

Footnote: - The principal rules were published in the Gazette of India vide notification No.G.S.R.No.824 (E) dated 25th September, 1987 and subsequently amended vide G.S.R.No. 462(E) dated 30th April, 1990, G.S.R.No.229 (E) dated 23rd April, 1991, G.S.R.No.226 (E) dated 22.04.1997, G.S.R. No.833 (E) dated 30.12.1999, G.S.R.No.779 (E) dated 21.10.2011 and G.S.R.No.690 (E) dated 12.09.2012.

Thus the above The Life Insurance Corporation of India Class III and Class IV employees (Promotion) Rules, 1987, nowhere speaks about relaxation in favour of Ex-emergency/ short service/ regular commissioned officer and schedule caste and schedule tribes candidates who are employed as a Clerk Grade-III in LIC in case of promotion as alleged by the management of LIC in para 11, 12, 13 and 14 of its written statement and as alleged by M.W. No.1 in paragraphs 13, 14, 15 and 16 of her evidence in chief on affidavit.

On the other hand the Exhibit-W/2 and W/3 show that concerned workman an Ex-serviceman was appointed against a sanctioned post of a Typist in LIC on 23-08-1989 on being qualified in an interview and in the scale of Rs.1,000 - Rs.2,850 and his basic pay was fixed at Rs.1,240/- per month. Exhibit-W/4 further shows that he was granted graduation allowance w.e.f. 23-08-1989 to 30-06-1990 and was given two increments w.e.f. 01-07-1990 raising his basic pay from Rs.1,450 to Rs.1,610 per month. Exhibit-W/5 shows that on completion of one year satisfactory service, his service as a Typist was confirmed on 10-03-1990. All these documents prima facie prove that the concerned workman was given all the benefits to which an ordinary regular employee of LIC is entitled to. Therefore, in view of he falls within the definition of salaried employee as provided in Rule 2(b) of The Life Insurance Corporation of India Class III and Class IV employees (Promotion) Rules, 1987.

That apart Exhibit-W/12 further proves that there was a departmental test for promotion to the cadre of HGA (Administration) on 31-08-1997 and the concerned workman was one of the candidates who appeared in the departmental test for promotion. It further proves that in the result declared on 09-09-1997 the concerned workman was placed on 28<sup>th</sup> position among the 75 qualified candidates. Since he has joined the service of LIC as Typist on 23-08-1989 and he having put more than five years of service as a Typist as per promotion rules of 1987 he was qualified for the promotion on the day he appeared for departmental test on 31-08-1997. Further, the management has failed to produce the service book of the concerned workman to show adverse remarks in his service career which dis-entitled him the promotion even after passing departmental examination for promotion. It is worth to mention that the

management has failed to produce any records to show that for misconduct there was a disciplinary or vigilance proceeding against the concerned workman.

Moreover, it is not the case of the management that they did not give promotion to the concerned workman as because there was a pending disciplinary or vigilance proceeding against him, rather the management has taken a plea that the concerned workman being an Ex-serviceman he does not come within the category of the Ex-serviceman as contained in clause 7 of the LICI Promotion Rules, 1987 but the Clause-7 of Rules of 1987 does not contain such provision as alleged by the management. In fact it appears the management has come with such plea without any basis but on surmise and conjecture.

Since the concerned workman though an Ex-serviceman was appointed against a vacancy which was filled up by way of direct recruitment he is entitled to get all the service benefits to which an ordinary employee of LICI is entitled to. Therefore, he cannot be deprived of his promotion.

The workman in his evidence in chief has categorically stated that he cleared the promotional examination in the year 1997, but he was not given any promotion by the employer LICI, but this Tribunal does not find any cross examination on such statement of the workman by the management. The management has merely put a question to the concerned workman on the writ petition which he had filed before the Hon'ble High Court challenging the action of the management for not giving him promotion though qualified in the departmental test. He has stated that the writ petition was dismissed as Hon'ble High Court directed him to agitate his grievances before the proper forum.

However, M.W. 1 in her evidence in chief on affidavit has categorically stated Employees who re-join the services of the Corporation after release from Emergency Commission/ Short Service/ Regular Commission in the Armed Forces of the Indian Union will be eligible for promotion to the next higher cadre/s if they satisfy the conditions of eligibility as to service in the cadre and have put in at least one completed year of service after re-joining as on the date of notification for consideration of promotion, they will be exempted from all departmental tests. Further, the service put in by them in the Armed Forces will be counted as service in the cadre in which they were working prior to their release for Defence Service. Notwithstanding the provision of Rules 6(2) of the Promotion Rules, names of all the employees belonging to these categories who are eligible for promotion as stated above shall be included in the selection panel and they will be interviewed by the Promotion Committee.

Notwithstanding the provisions of Rule 6(2) of the Promotion Rules, names of all the Scheduled Castes/ Scheduled Tribes employees who satisfy the conditions of eligibility for promotion shall be included in the selection panel. The Scheduled Castes/ Scheduled Tribes candidates on the selection panel shall be grouped separately from those not belonging to SC/ST and they will be interviewed on a separate day either at the beginning or at the end of the programme for interview. She has further stated that the writ petition filed by the concerned workman was dismissed for non-prosecution. During cross examination she has stated that all the criteria are considered for preparing the panel of eligible candidates to be called for interview for promotion, seniority, qualification and work record in the form of confidential reports. Maximum 15 marks are given for qualification. Graduate candidates are given maximum 5 marks. In the matter of seniority 1 mark is given for every completed year of service subject to maximum 20 marks. Maximum 25 marks are given for confidential report. There is no fixed marks for calling any person before the interview board. But her such evidence stands discredited by The Life Insurance Corporation of India Class III and Class IV employees (Promotion) Rules, 1987 already mentioned above. Thus, this Tribunal finds her evidence not worthy of credence.

In view of above discussion prima facie it appears that the management of LICI for the reasons best known to it and by adopting an unfair labour practice has deprived the concerned workman the promotion to which he was legally entitled despite having qualified in the promotional departmental test held in the year 1997.

Therefore, this Tribunal holds that LICI is not justified in not giving promotion to Sri Amar Kumar Dey, Typist though having qualified for the same in the year 1997. Thus, the concerned workman is entitled to get all the promotional financial benefits to which he is entitled to as HIG (Administration) from the date he qualified the promotional test or departmental test by virtue of result declared on 09-09-1997 (Exhibit-W-12). The Management of LICI is hereby directed to give all financial benefits to the concerned workman Sri Amar Kumar Dey from September, 1997 in the scale of HGA (Administration) till his superannuation either in the year 2016, if the age of superannuation is 58 years or in the year 2018 if the age of superannuation is 60 years and to fix all his pensionary benefits in the revised scale within two months of publication of award.

Accordingly, the Reference Case No.06 of 2011 is disposed of holding the action of the management of LICI for not promoting Sri Amar Kumar Dey, a Typist since 1997 to be illegal and not justified.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 292.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या **06/2019**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/2/2019-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 292.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 06/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/2/2019 – IR (CM-II)]

MANIKANDAN N., Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 06 OF 2019**

**PARTIES:** Haradhan Bouri  
**Vs.**  
Management of Jhanjra Project Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman: Mr. N. Ganguly, Adv.  
For the Management of ECL: Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.**STATE:** West Bengal.**Dated:** 25.09.2023**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/2/2019-IR(CM-II)** dated 10.01.2019 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra Project Colliery under Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Jhanjra Project Colliery, Jhanjra Area of M/s. ECL in dismissing Shri Haradhan Bouri vide order No. GM/JNR/PER/2012/497 dated 04/16-07-2012 is legal or justified? If not, to what relief the workman Shri Haradhan Bouri, Ex-Tyndal is entitled to?”*

**1.** On receiving Order **No. L-22012/2/2019-IR(CM-II)** dated 10.01.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 06 of 2019** was registered on

28.01.2019 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for the management of Jhanjra Project Colliery under Jhanjra Area of Eastern Coalfields Limited is present. Case is fixed up today for evidence of workman witness. On repeated calls at 12.25 pm, none appeared for Haradhan Bouri, Ex-Tyndal working under Eastern Coalfields Limited.

3. After registration of this case on 28.01.2019, Notice was issued to both parties. On 11.10.2022 Haradhan Bouri appeared for the first time and filed written statement. Mr. P. K. Das, learned advocate filed a written statement along with Vokatnama on the next date. The case was fixed up for evidence on 03.03.2023 and 15.05.2023 but none appeared for the workman. In compliance with order dated 15.05.2023, Notice under registered post was issued to Haradhan Bouri at his residence but he failed to appear without seeking any accommodation.

4. The workman in his written statement stated that he went on leave in 2011 but due to illness he could not join his duty and informed the management about his inability to join due to illness. Without issuance of any Charge Sheet, Notice of enquiry and Second Show Cause Notice, the workman received a verbal intimation that he had been dismissed from the service and a letter dated 4/16.07.2012 was issued in his name. The workman has prayed for reinstatement in service after setting aside the order of dismissal.

5. The case has been contested by the management by filing written statement. It has been submitted therein that Charge Sheet was issued to workman for his unauthorized absence. The reply to the Charge Sheet was not found satisfactory and a proceeding was initiated. The charge framed was substantiated against workman and a second Show Cause Notice dated 02.01.2012 was sent to the workman enclosing enquiry report. The reply to the Second Show Cause notice was not found satisfactory as the workman had performed duty for nine days in 2009, one day in 2010 and four days in 2011. It has been asserted that punishment imposed against the workman is totally justified.

6. The workman did not appear after filing written though subsequent Notice was served upon him. Opportunity was given to the dismissed workman to contest the case but he is not eager to turn up. Under such circumstances, the Industrial Dispute is decided against the workman in form of a **No Dispute Award**.

Hence,

#### ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 293.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14 की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या **18/2018**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/39/2018-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 293.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 18/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/39/2018 – IR (CM-II)]

MANIKANDAN N., Dy. Director



**ANNEXURE**  
**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,**  
**ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 18 OF 2018**

**PARTIES:** Lakshmi Narayan Bouri  
**Vs.**  
Management of Gourandi Begunia Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman : Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 29.09.2023

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/39/2018-IR(CM-II)** dated 04.07.2018 has been pleased to refer the following dispute between the employer, that is the Management of Gourandi Begunia Colliery under Salanpur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the Management of Eastern Coalfields Ltd. in relation to its Gourandi Begunia Colliery under Salanpur Area in imposing the punishment of dismissal on Shri Laxminarayan Bouri, U G Loader vide order No. SLN/C-6/36/P-900 dated 11.07.2009 is just and legal? If not, to what relief the workman is entitled to? ”*

**1.** On receiving Order **No. L-22012/39/2018-IR(CM-II)** dated 04.07.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 18 of 2018** was registered on 10.07.2018 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

**2.** After issuance of Notice to Lakshmi Narayan Bouri, the dismissed workman filed written statement on 23.11.2022. The case of the aggrieved workman is that he was a permanent employee of Gourandi Begunia Colliery under Salanpur Area of Eastern Coalfields Limited (hereinafter referred to as ECL) bearing U.M. No. 221392. Due to his illness he could not attend his work from 09.10.2007. After recovery when Lakshmi Narayan Bouri, the workman, reported for his duty the management of the colliery did not permit him to join and issued Charge Sheet bearing No. G.B/C-6/C5/08/820 dated 02.06.2008. The workman replied to the Charge Sheet, explaining the circumstance under which he was unable to perform his duty but an Enquiry Proceeding was initiated and he was dismissed from service of the company vide Letter of Dismissal issued on 11.07.2009. The workman contended that the Enquiry Officer did not provide him reasonable opportunity to take the assistance of co-worker, thereby natural justice was denied. It is his case that a stereotype enquiry was held and the report was submitted by filling up blanks in a pre-typed report signed by the employee and the management representative. The workman contended that the punishment of dismissal imposed against him was harsh and disproportionate to the nature of charge. It is urged that the workman submitted a Mercy Petition consistent with the scope of a Memorandum of Settlement signed by ECL before the Regional Labour Commissioner (Central), Asansol on 22.05.2007, in which the management agreed to consider the mercy appeal of the employees who absented for a period up to nine months and are within the age of forty-five years. The workman further contended that in response to his mercy appeal the General Manager (P&IR) called him to appear with his family members and he was asked to submit an undertaking that he would be regular in attending his duty in future, but till date he has not been allowed to join his duty.

**3.** The workman thereafter raised an Industrial Dispute before the Assistant Labour Commissioner (Central), Asansol where the management agreed to consider his prayer for reinstatement on the basis of the Memorandum of Settlement but ultimately the prayer was not allowed. The dismissed workman contended that he is out of

employment since October 2007, having no source of income to maintain his family. The workman therefore, prayed for his reinstatement in service with back wages and other consequential benefits.

4. The management of Gourandi Begunia Colliery under Salanpur Area of ECL filed their written statement on 23.11.2022 refuting the claim of the workman on the ground that Lakshmi Narayan Bouri absented from his duty from 09.10.2007 without any intimation and he is also a habitual absentee. His attendance in the year 2005 was 79 days, in the year 2006 he attended duty for 35 days and in the year 2007 for 112 days. The workman was charge sheeted for his misconduct under Section 26.23 and 26.29 of the Certified Standing Orders applicable to the workmen of the company. The workman failed to submit any satisfactory report to the Charge Sheet for which a Domestic Enquiry was held by the Enquiry Officer after issuance of Notice. The workman participated in the Enquiry Proceeding, availing reasonable opportunity to defend himself in accordance with the principles of natural justice. The charge of misconduct was proved against the workman followed by issuance of the Second Show Cause Notice by the Disciplinary Authority and the workman was dismissed by order dated 11.07.2009. It is claimed that the order of dismissal of the workman was justified and the punishment of dismissal is proportionate to his misconduct. Management contended that the fairness of enquiry is to be adjudicated as preliminary issue and if it is found that the enquiry was unfair then the management should be given an opportunity to prove the said charges before the Tribunal by adducing evidence or independent proof thereof. The management on such contention urged that the dismissed workman is not entitled to get any relief in this Industrial Dispute.

5. The dismissed workman filed an affidavit-in-chief and adduced evidence as workman witness – 1. He produced the following documents in support of his case:

- (i) Photocopy of the Letter of Dismissal dated 11.07.2009 is marked as Exhibit W-1.
- (ii) Photocopy of the Mercy Petition for reinstatement, as Exhibit W-2.
- (iii) Photocopy of the Memorandum of Settlement dated 08.07.2013, whereby the case for reinstatement of Lakshmi Narayan Bouri was forwarded to headquarters for consideration and to report before the Assistant Labour Commissioner (Central), Asansol within thirty days from the date of settlement is produced as Exhibit W-3.
- (iv) Photocopy of the letter dated 26/27.05.2014 issued by the Sr. Officer, Gourandi Begunia Colliery asking the dismissed workman to appear before the General Manager (P&IR), ECL on 29.05.2014 for personal hearing along with his family members for disposal of the appeal, as Exhibit W-4.
- (v) Photocopy of the letter dated 22.01.2015 requesting the dismissed workman not to resort to any agitational programme, as Exhibit W-5.

In course of his cross-examination the workman stated that he cannot produce documents relating to his medical treatment during the period of his absence. He further deposed that he will examine Dr. Josh of Domohani Colliery from whom he received medical treatment.

6. Mr. Devendra Kumar, Senior Officer (Personnel) of Gourandi Begunia Group of Mines filed an affidavit-in-chief and was examined as Management Witness – 1. It has been stated in the affidavit-in-chief that the workman is a habitual absentee. He was chargesheeted for his misconduct under different sections of Certified Standing Orders applicable to the company. The witness disclosed that the workman participated in the Enquiry Proceeding and reasonable opportunity was given to him. The witness deposed that a Second Show Cause Notice was issued by the Disciplinary Authority and by order dated 11.07.2009 the Disciplinary Authority dismissed the workman from service. In course of evidence MW– 1 produced the following documents :

- (i) Photocopy of the Second Charge Sheet is marked as Exhibit M-1.
- (ii) Photocopy of the Reply to the Second Charge Sheet, as Exhibit M-2.
- (iii) Photocopy of the letter of appointment of Mr. Samir Kr. Sinha, as the Enquiry Officer as Exhibit M-3.
- (iv) Photocopy of the Notice of enquiry sent to the workman, as Exhibit M-4 and M-5.
- (v) Photocopy of the document relating to the Enquiry Proceeding, as Exhibit M-6.
- (vi) Photocopy of the Inquiry Report with findings dated 25.11.2008, as Exhibit M-7.
- (vii) Photocopy of the Second Show Cause Notice dated 30.12.2008/12.01.2009, as Exhibit M-8.
- (viii) Photocopy of the Reply to the Second Show Cause Notice, as Exhibit M-9.
- (ix) Photocopy of the Letter of Dismissal dated 11.07.2009 issued by the General Manager of Salanpur Area of ECL, as Exhibit M-10.

In course of cross-examination the witness admitted that the Enquiry Proceeding was prepared on a pre-typed format, which must have been a prevailing practice at the relevant time. A copy of Mercy Petition seeking reinstatement and a copy of the letter dated 22.01.2015 issued by Senior Manager (P)/IR, have been produced by the workman as Exhibit

W-2 and W-5. The witness admitted that he has no document to show that proposal for reinstatement was dismissed by the headquarters of ECL.

7. Mr. Rakesh Kumar, Union representative for the workman argued that the management of the company has dismissed Lakshmi Narayan Bouri for his absence from duty only for a period of seven months and twenty-five days which was due to illness. It is argued that the punishment imposed against the workman is disproportionate, improper and liable to be set aside by reinstatement of the workman and payment of back wages. It is further argued that the Enquiry Proceeding was held mechanically and the report in two pages was prepared on a pre-typed format without application of mind.

8. In reply Mr. P. K. Das, learned advocate for the management of ECL argued that the Charge Sheet was issued against the workman for his misconduct under Section 26.23 and 26.29 of the Certified Standing Orders applicable to the company. In the said Charge Sheet (Exhibit M-1) it was specified that the workman had performed 79 days of work in the year 2005, 35 days of work in the year 2006 and 112 days in the year 2007. The workman submitted his reply against the Charge Sheet disclosing that due to his illness of “nervous breakdown” from 12.10.2007 to 27.11.2008 it was not possible for him to attend duty from and that Notice of enquiry were issued to him on 05.08.2008 and 13.11.2008 but due to illness he was unable to attend before the Enquiry Officer.

9. The moot question before this Tribunal is whether the order of dismissal issued against Lakshmi Narayan Bouri from service is just and legal and what relief is the workman entitled to?

10. On a perusal of Exhibit M-1 and M-2 I find that the workman responded to the Charge Sheet and stated that he has submitting medical prescription as evidence of his illness and also fitness Certificate for resuming his duty from 28.11.2008. Notice of the enquiry have been produced as Exhibit M-4 and M-5. The workman participated in the enquiry and the copy of Enquiry Proceeding has been produced as Exhibit M-6 and the findings as Exhibit M-7. The Enquiry Officer recorded statement of Mr. N. D. Maji, the management representative. There is no indication in the Enquiry Proceeding if the workman was given any opportunity to cross-examine the witness. Similarly, Lakshmi Narayan Bouri, the delinquent workman was examined and he stated that he was suffering from mental agony and prayed for apology for his misconduct. The Enquiry Proceeding appears to me to be irregular in nature as it has been prepared on some pre-typed format, without recording the statement of the witness in verbatim. No opportunity of cross-examination appears to have been given to the workman. Even the report of Enquiry Officer was pre-typed with provision to fill up the Names of employee, number of Charge Sheet, period of absence from duty without information and so forth. It is also stated that Lakshmi Narayan Bouri produced a medical certificate of his mental disorder. The management had issued a Second Show Cause Notice to the workman on 30.12.2008 / 12.01.2009 stating that number of days of his attendance in the year 2005 to 2007 and that he was a habitual absentee and liable for major penalty leading to dismissal from service. I find from the evidence on record that in the past due to his poor attendance there have been stoppage of increments / SPRA. The copy of Second Show Cause Notice has been produced as Exhibit M-8. The workman admitted receipt of the Second Show Cause Notice by way of submitting reply to the same, which has been marked as Exhibit M-9. The workman stated in his reply to the Second Show Cause Notice that he was suffering from mental illness and was under treatment for which he submitted medical treatment papers. The Disciplinary Authority i.e. the General Manager, Salanpur Area, ECL after having assessed the Enquiry Report and other report submitted by the Enquiry Officer held that the findings of Enquiry Officer in respect of charge levelled against the was proved beyond doubt and due to the misconduct and charges he awarded Lakshmi Narayan Bouri the punishment of dismissal from service of the company with immediate effect and was directed to collect all legal dues from the office.

11. From the documents produced, the Notice of enquiry (Exhibit M-4 and M-5) it is clear that full opportunity was given to the workman for producing and examining his witnesses and to cross-examine the prosecution witnesses i.e. management representative. In the instant case there was no cross-examination of the witness. However, it cannot be said that the opportunity was denied to the workman for defending himself with the help of co-worker. In Exhibit M-9, the reply submitted against the Second Show Cause Notice the workman did not raise any objection that Enquiry Proceeding was vitiated for breach of natural justice. Therefore, the contention of the workman that he was not provided with reasonable opportunity in the Enquiry Proceeding is not tenable. It appears from the evidence on record that at all stage of Enquiry Proceeding the workman had participated and had full knowledge of the charge levelled against him. He has failed to provide any satisfactory explanation as to why he had remained absent for such a long period from duty without any prior intimation.

12. having considered the facts and circumstances of the case, evidence adduced by the parties and the argument advanced, I hold that there was no illegality on the part of the management in dismissing the workman from service for his long unauthorized absence without cogent reason. Consequently, the workman is not entitled to any relief. The Industrial Dispute is accordingly dismissed against the workman on contest.

Hence,

**ORDERED**

that the dismissal of Lakshmi Narayan Bouri, ex-employee of Gourandi Begunia Colliery under Salanpur Area of ECL w.e.f. 11.07.2009 suffers from no illegality and he is not entitled to any relief of reinstatement and back wages. The Industrial Dispute is dismissed against the workman on contest. Let an Award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 294.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या 36/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/84/2019-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 294.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 36/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/84/2019 – IR (CM-II)]

MANIKANDAN N., Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 36 OF 2019**

**PARTIES:** 1. Md. Zahir Khan and  
2. Sk. Mohibul Rahaman

**Vs.**

Management of Shankrapur Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workmen: Sk. Mohibul Rahaman (in person).  
For the Management of ECL: Mr. Mani Padma Banerjee, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 20.09.2023

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/84/2019-IR(CM-II)** dated 13.11.2019 has been pleased to refer the following dispute between the employer, that is the Management of Shankarpur Colliery under Bankola Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Shankarpur Colliery of M/s. Eastern Coalfields Limited in not regularizing Md. Zahir Khan & Sk. Mohibul Rahaman, SDL Helper in the post of Fitter Helper is justified or not. If not, what relief these two workmen are entitled to? ”*

1. On receiving Order **No. L-22012/84/2019-IR(CM-II)** dated 13.11.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 36 of 2019** was registered on 19.11.2019 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and their list of witnesses.
2. Mr. Mani Padma Banerjee, learned advocate for Eastern Coalfields Limited is present. The case is fixed up today for ex-parte hearing against Md. Zahir Khan and Sk. Mohibul Rahaman for absence after Notice.
3. Sk. Mohibul Rahaman, one of the aggrieved workmen has appeared in person and filed an application signed by the General Secretary, Ukhra Colliery Mazdoor Union on letter head of the union enclosing office order dated 24/25.04.2023. Copy of application is served upon Eastern Coalfields Limited. No objection is raised.
4. After issuing Notice under registered post, Mr. Mani Padma Banerjee, learned advocate filed written statement on 07.02.2023. No written statement is filed by the union. However, on 12.05.2023 an application enclosing an office order was submitted by the union stating that the aggrieved workmen have been selected to the post of Fitter Helper, Category-II and the Industrial Dispute may be disposed of. It appears from the office order that the both aggrieved persons demanding regularization as Fitter Helper have been selected for such post. They have no grievance against the management of Eastern Coalfields Limited now. The Industrial Dispute is accordingly disposed of in the form of a **No Dispute Award**.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in respect of the above Reference. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 295.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या 62/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/110/2022-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 295.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 62/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[ [No. L-22012/110/2022 – IR (CM-II)]

MANIKANDAN N., Dy. Director

## ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

## REFERENCE CASE NO. 62 OF 2022

**PARTIES:** Sankha Ranjan Dhar

**Vs.**

Management of Jhanjra Project Colliery 1 & 2 Incline of ECL

## REPRESENTATIVES:

For the Union/Workman : None.  
For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 20.09.2023

## AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/110/2022-IR(CM-II)** dated 22.12.2022 has been pleased to refer the following dispute between the employer, that is the Management of Jhanjra Project Colliery 1 & 2 Incline under Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

## SCHEDULE

*“Whether the action of the management of Jhanjra Project Colliery 1 & 2 Incline, Jhanjra Area, M/s. E. C. Ltd. in not fixation the pay properly in the regularized post of Mining Sirdar -cum- Shot Firer to Sri Sankha Ranjan Dhar is fair, legal and justified? If not, what relief the workman concerned is entitled to? ”*

1. On receiving Order **No. L-22012/110/2022-IR(CM-II)** dated 22.12.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 62 of 2022** was registered on 26.12.2022 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. On repeated calls at 1.15 pm, Sankha Ranjan Dhar, aggrieved workman is not found present despite issuance of Notice at his permanent address at Vill- Katwa, Baro Bazar, Po- Katwa, PS- Katwa, Dist- Purba Bardhaman. The General Secretary, Colliery Mazdoor Congress (HMS) is a noticee in this case and he has failed to appear.
3. After providing sufficient opportunities to the workman, he has not come forward to pursue his case. Under such circumstance, the Industrial Dispute referred for adjudication is dismissed in the form of **a No Dispute Award**.

Hence,

## ORDERED

that **a No Dispute Award** be drawn up in respect of the above Reference. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 296.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय



सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 06/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/03/2023-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 296.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 06/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/03/2023 – IR (CM-II)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 06 OF 2023

**PARTIES:** Kumari Kabutiri Prasad  
**Vs.**  
Management of J. K. Nagar Group (R) Colliery of ECL

#### REPRESENTATIVES:

For the Union/Workman : Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.  
For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 25.09.2023

#### AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/03/2023-IR(CM-II)** dated 12.01.2023 has been pleased to refer the following dispute between the employer, that is the Management of J. K. Nagar Group (R) Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

#### SCHEDULE

*“Whether the action of the Management of Eastern Coalfields Ltd. vide letter No. ECL/CMD/C-6B/EMPL/WD/5323/15/96 dated 21/03/2015 (copy enclosed) in denying for providing employment on compassionate ground under the provisions of NCWA to Kumari Kabutiri Prasad, who had submitted the claim for employment vide letter dated 21/09/1999 (copy enclosed), the dependent daughter of late Shri Ganesh Prasad, Ex-Stone Cutter, who expired on 05/02/1999 while in service, is fair, legal and justified? If not, to what relief the dependent of the deceased workman is entitled and what directions are necessary in this respect? ”*

**1.** On receiving Order **No. L-22012/03/2023-IR(CM-II)** dated 12.01.2023 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 06 of 2023** was registered on 20.01.2023 and an order was passed issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Rakesh Kumar, Union representative conducting this case on behalf of Kumari Kabutiri Prasad, who had claimed employment as a dependent daughter of late Ganesh Prasad, has filed a copy of Death Certificate of Kabutiri Prasad, daughter of late Ganesh Prasad and filed a separate petition for accepting the Death Certificate of Kabutiri Prasad for passing appropriate order. Copy served upon Mr. P. K. Das, learned advocate for Eastern Coalfields Limited.

3. After appearance in this case a written statement was filed by the management on 30.05.2023. No written statement was filed on behalf of petitioner/claimant. Since Kumari Kabutiri Prasad, the daughter of the ex-employee has expired, the claim for employment of dependent fails. The Industrial Dispute is accordingly disposed of in the form of a **No Dispute Award**.

Hence,

### ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer,

नई दिल्ली, 9 फरवरी, 2024

का.आ. 297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 26/1993) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल-22012/46/93-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 297.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 26/1993**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/46/93 – IR (CM-II)]

MANIKANDAN N., Dy. Director

### ANNEXURE

**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,

Presiding Officer,

C.G.I.T-cum-L.C., Asansol.

### REFERENCE CASE NO. 26 OF 1993

**PARTIES:**

Nabin Majhi

**Vs.**

Management of Kalipahari (R) Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman:

None.

For the Management of ECL:

Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 22.12.2023.



**AWARD**

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/46/93-IR(C.II)** dated 07.06.1993 has been pleased to refer the following dispute between the employer, that is the Management of Kalipahari (R) Colliery of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the management of Kalipahari (R) Colliery of M/s. E.C.Ltd., in dismissing Shri Nabin Majhi, General Mazdoor w.e.f. 28.10.88 from the services vide charge sheet No. AGT/KPH/67/1164 dated 17.7.87 is legal and justified? If not, to what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22012/46/93-IR(C.II)** dated 07.06.1993 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 26 of 1993** was registered on 14.06.1993 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited is present. The case is fixed up today for appearance of aggrieved workman, Nabin Majhi and hearing of argument. On repeated calls at 1.10 pm, none appeared for Nabin Majhi.
3. On the basis of order received from the Ministry of Labour, this case was registered on 14.06.1993. Both parties were represented by their learned advocates. Union filed written statement on 16.11.1993 on behalf of workman through Mr. S. K. Pandey, Union representative. Management filed written statement on 17.12.1993. On 02.07.1997 management filed rejoinder to the written statement filed by the workman. Case was fixed up for evidence of parties. On 03.11.2009 Mr. P. K. Das as well as Mr. S. K. Pandey submitted that they would not adduce evidence and would like to produce written argument. Since no step has been taken by the workman on consecutive dates and Mr. Das on 06.06.2018 submitted that workman has expired, I do not find necessity in proceeding further with this case. Legal representative of the workman did not come forward seeking substitution. Under such circumstances, Industrial Dispute is dismissed for default.

Hence,

**ORDERED**

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 298.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या **27/2021**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/62/2021-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 298.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 27/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/62/2021 – IR (CM-II)]

MANIKANDAN N., Dy. Director

**ANNEXURE****BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT,  
ASANSOL.**

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

**REFERENCE CASE NO. 27 OF 2021**

**PARTIES:** Bidhan Bouri  
**Vs.**  
Management of Nabakajora Colliery of ECL

**REPRESENTATIVES:**

For the Union/Workman : Mr. M.K. Bandyopadhyay, Adv.  
For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 30.11.2023

**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/62/2021-IR(CM-II)** dated 10.12.2021 has been pleased to refer the following dispute between the employer, that is the Management of Nabakajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

**SCHEDULE**

*“Whether the action of the Management of Nabakajora Colliery, Kajora Area, M/s. E.C.Ltd. in non-reinstatement in service of Sri Bidhan Bouri, Ex- General Mazdoor (U.G) is justified or not? If not, to what relief the workman is entitled to.”*

1. On receiving Order **No. L-22012/62/2021-IR(CM-II)** dated 10.12.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 27 of 2021** was registered on 10.12.2021/01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Niren Chandra Das, President of Bharatiya Mazdoor Sangh, Asansol appeared on 03.08.2022 and submitted written statement on behalf of the dismissed workman. Mr. P. K. Das, learned advocate for the management of ECL filed written statement for ECL on 13.09.2022. The fact of the case as disclosed in the written statement of the union is that Bidhan Bouri was a permanent employee of Nabakajora Colliery under Kajora Area of ECL and posted as General Mazdoor bearing U.M. No : 187972. A Charge Sheet dated 15.12.2015 was issued to him on the allegation of his unauthorized absence from duty from 27.10.2015 to 14.12.2015 for a period of one month and seventeen days only. The workman is a member of Scheduled Caste community having no formal education. He submitted an explanation against the Charge Sheet but the management without considering the same initiated a departmental enquiry against him. Bidhan Bouri participated in the enquiry proceeding but he was not allowed any opportunity to have the assistance of any co-worker. The workman was held guilty of the charge and a second Show Cause notice was issued to him on 14.03.2016. On the basis of a biased and faulty enquiry, the workman was removed from his service by an order dated 31.03.2016 issued by the Agent, Nabakajora Colliery which was communicated to the workman by letter no. ECL/NKC/AM(HR/P)/16/255 dated 04.04.2016.

3. The dismissed workman submitted an application addressed to the Director (Personnel), ECL Head Quarter praying for his reinstatement in service but the prayer was not considered. Further case of the aggrieved workman is that his date of birth is 22.10.1977 and he was within 45 years of age and his period of absence was less than nine months. As such, his case was required to be considered under Memorandum of Settlement dated 22.05.2007, which provided for an opportunity of reinstatement to the workman whose period of absence was less than nine months and age was within 45 years. It has been contended that the Enquiry Officer was predetermined to hold the workman

guilty and the workman did not understand the proceeding which was recorded in English. Thereby, the principles of natural justice was violated. In support of the case of the workman, the union has relied upon a decision of the Hon'ble Supreme Court of India in the case of **Krushnakant B. Parmar Vs. Union of India and another**, wherein it was observed that : *"Absence from duty without any application or prior information may amount to unauthorized absence, but it does not always mean willful. There may be different eventualities due to which an employee may abstain from work like illness, accident, hospitalization etc., but in such case the employee cannot be held guilty of failure of devotion to duty or a behavior unbecoming of a government servant. In a departmental proceeding, if allegation of unauthorized absence is made, the disciplinary authority is required to prove that the absence is willful. In absence of such finding, the absence will not amount to misconduct."*

4. The workman took a plea that he was suffering from some family problems at the relevant time and his absence was not willful. Accordingly, it is urged that the order of termination is bad in law and the same is liable to be set aside.

5. The management filed a written statement contending therein that Bidhan Bouri was appointed on 15.11.2006 as a General Mazdoor at Nabakajora Colliery is a habitual absentee. For various reasons he was reprimanded several times for his absence from duty but he maintained the same conduct and remained absent without any authorised leave or information to the Appropriate Authority. A Charge Sheet was issued against the workman dated 15.12.2015 under clause 26.23 and 26.39 of the Certified Standing Order for habitual late attendance and habitual absence from duty without sufficient cause and absence from duty beyond ten days without sanctioned leave or leave without valid reasons. The matter was referred for domestic enquiry. The charge was proved against the workman beyond doubt and on the basis of the finding of the Enquiry Officer, the General Manager, Kajora Area vide letter No. KA/APM/C-6/Dismissal/10/1306 dated 31.03.2016, dismissed the workman. Further case of the management is that in the past few years the attendance of the workman was very meagre. Management contended that absenteeism is a serious offence which hampers work of the Employer and the production process. Referring to the decision of Hon'ble Supreme Court, it is pointed out that habitual absenteeism means gross violation of discipline and that it establishes lack of interest in work. Referring to previous conduct of the workman, the management pointed out that his one increment was stopped on 02.08.2008, two increments were stopped with final warning on 01.04.2009, one increment was stopped on 31.07.2009, two increments were stopped on 19.05.2010. He was also demoted from Category II to Category I on 05.09.2011. Thereafter, one increment was stopped on 01.06.2012 and three increments were stopped on 05.10.2014 with cumulative effect. The attendance and past record of the workman reveals that he is not interested in his job and there is no reason to misplace sympathy on the workman. Management claimed that the Industrial Dispute raised at the instance of the workman has no merit and the workman does not deserve to be reinstated.

6. In support of the case of the workman, Bidhan Bouri was examined as WW-1. He filed his affidavit-in-chief wherein he averred that management did not allow him the assistance of co-workers during enquiry and his explanation against the Charge Sheet was not considered. It is further stated that Enquiry Proceeding conducted by Enquiry Officer was biased and he submitted his report arbitrarily and a second Show Cause notice was issued on 14.03.2016. After submitting his explanation of the second Show Cause notice, he was dismissed from service on 31.03.2016. The workman produced the following documents in support of his case :

- (i) A copy of his letter of appointment is marked as Exhibit W-1.
- (ii) Copies of Identity Card, as Exhibit W-1/1.
- (iii) Copy of Charge Sheet dated 15.12.2015, as Exhibit W-1/2.
- (iv) Notice dated 11.03.2016 for holding domestic enquiry on 11.03.2016 is produced as Exhibit W-1/3.
- (v) A copy of Enquiry Proceeding with finding in three pages is produced as Exhibit W-1/4.
- (vi) Application of Bidhan Bouri praying for his reinstatement, as Exhibit W-1/5.
- (vii) Copy of Aadhar Card of Bidhan Bouri, as Exhibit W-1/6

In course of cross-examination by management, the witness admitted that he did not submit any application for his absence from duty from 27.10.2015 to 14.12.2015. He did not produce any document to show that he was suffering from any illness during his absence nor did he raise any objection before the Enquiry Officer that he was not given assistance of co-workers in Enquiry Proceeding. It is specifically admitted by the witness that opportunity was given to him by the Enquiry Officer and he submitted his reply to the second Show Cause notice. The management suggested to witness that he was not entitled to be reinstated in service which was denied by the workman.

7. The management of ECL examined Ramjee Tripathi, Assistant Manager (Personnel) as MW-1. In course of his evidence, the management produced the following documents for consideration :

- (i) A copy of Charge Sheet dated 15.12.2015, as Exhibit M-1.

- (ii) Copy of Office Order dated 06.03.2016 appointing Miss Moumita Joardar as Enquiry Officer for holding the domestic enquiry is produced as Exhibit M- 2.
- (iii) Notice of Domestic Enquiry dated 08.03.2016 is produced as Exhibit M- 3.
- (iv) Copy of Enquiry proceeding collectively in three pages is produced as Exhibit M- 4.
- (v) Copy of second Show Cause notice issued by the Agent dated 14.03.2016 is produced as Exhibit M- 5.
- (vi) A reply to the second Show Cause notice submitted by Bidhan Bouri is produced as Exhibit M-6.
- (vii) Office Order related to dismissal of Bidhan Bouri issued by the Agent, Nabakajora Colliery 04.04.2016 is marked as Exhibit M-7.

8. In course of cross-examination, the management witness deposed that the workman did not submit any reply to the Charge Sheet. The management admitted that it cannot produce any document to show that the Enquiry Officer submitted the Enquiry Proceeding to the Agent of Nabakajora Colliery. It is also admitted by the management witness that the Office Order of dismissal was signed by the Agent on approval of the General Manager but he was unable to produce any document to show that it was approved by the General Manager. In reply to a suggestion that order of dismissal was not approved by the General Manager, the witness answered in the negative.

9. Mr. M.K. Badyopadhyay, learned advocate for the workman advanced an argument that Enquiry Officer violation of natural justice in holding Enquiry Proceeding. Referring to the report of Enquiry Officer (Exhibit M-4 and Ext W-1/4) it is argued that the Enquiry Proceeding was a table work and the document is not reliable. Learned advocate drew my attention to the fact that according to notice of enquiry, the Enquiry Proceeding was to be held on 11.03.2016 which has also been stated in the Enquiry Report but signature of Mr. P.K. Nandi, Management Representative and Ms. Moumita Joardar, Enquiry Officer appears to have been obtained on the Enquiry Report on 09.03.2016. Therefore, no enquiry was held on 11.03.2016 as claimed by the management. Learned advocate for the workman further argued that the workman could not perform his duty from 27.10.2015 due to his illness and mental ailment but the short period of his absence was not condoned and the Enquiry Officer held the workman guilty of the charge which was arbitrary in nature. It is argued that there is no document to show that the report of Enquiry Officer was submitted before the Agent for consideration of the competent authority or that considering the Enquiry Report, the General Manager approved the dismissal of the workman. Learned advocate vehemently argued that Agent is not the appropriate authority to dismiss a workman. Therefore, the order of dismissal is bad in law and the workman should be reinstated in service.

10. Mr. P. K. Das, learned advocate for the management of ECL argued that the workman is a habitual absentee without reason. Charge is levelled against him under clause 26.23 and 26.39 of the Certified Standing Order. The workman received the Charge Sheet but did not submit any reply. Enquiry Proceeding was held by the Enquiry Officer and reasonable opportunity was given to the workman to defend himself. The management representative relied upon the past attendance record of Bidhan Bouri to establish that he attended duty for 10 days in 2013, 24 days in 2014 and 89 days in 2015 for which he had been punished on earlier occasions. Learned advocate drew my attention to the Enquiry Report where it is noted that reason for his absence was “family problem” and that as he was residing in Dakhinkhanda village, which was far away from his workplace and he faced problem in attending his duty. In respect of the order of dismissal, learned advocate for management submitted that second Show Cause notice was served upon the workman to which he submitted his reply but management considering all aspect and past record of the workman dismissed him from service with the approval of General Manager. Mr. Das fairly submitted that he is unable to show any document that the General Manager, Kajora Area had approved the decision of dismissal of the workman. Regarding the claim of reinstatement, it is argued that the application was made at a belated stage, more than three years after his dismissal and the same cannot be considered.

11. I have considered the fact and circumstances of this case and arguments advanced in the light of the evidence adduced on behalf of the workman and the management witness including the documents admitted in their favour. It is undisputed that the concerned workman had absented from his duty several times on previous occasions and lastly from 27.10.2015 till issuance of Charge Sheet on 15.12.2015 (Exhibit W-1/2). The charge levelled against him is under clause 26.23 and 26.39 of the Certified Standing Order applicable to the company which is related to habitual late attendance or habitual absence from duty without sufficient cause and absence from duty beyond ten days without sanctioned leave or leave without valid reasons. Before dismissal of the workman, notice of enquiry was issued to him which is produced as Exhibit W-1/3 and Exhibit M-3. The workman admittedly participated in the Enquiry Proceeding on 11.03.2016. Bidhan Bouri, the charged workman, Mr. P.K. Nandi, the Management Representative and Miss M. Joardar, the Enquiry Officer appears to have put their signature on the report of the Enquiry Proceeding held on 11.03.2016 but their signatures are dated “09.03.2016”. It is nobody’s case that the Enquiry Proceeding was preponed to 09.03.2016 nor did the workman raise any objection that no enquiry was held at all. Under such circumstances, the dates appearing below the signatures of the said persons indicate that such signatures were obtained at some other time on a different date and certainly not on 11.03.2016. No suitable explanation has been submitted by the management of ECL to clarify the anomaly apparent.

12. In his evidence-in-chief, the workman witness stated that he was absent from his duty as he was suffering from illness but he was unable to produce any document in support of his claim. It transpires from the Enquiry Report and written statement that due to some family problem the workman did not attend his duty and furthermore he was confronted with problems in attending duty as his place of residence was far away from his workplace. There is nothing on record to establish that absence of workman from duty was due to his illness or that his absence from duty was not willful. After completion of the Enquiry Proceeding, a second Show Cause notice was issued by the Agent dated 14.03.2016 (produced as Exhibit M-5). The undated reply submitted by Bidhan Bouri against second Show Cause notice (Exhibit M-6) disclose that he was mentally unwell. The workman admitted that he was on unauthorized leave. On considering such factors, the Agent, Nabakajora Colliery issued a letter dismissing Bidhan Bouri from service w.e.f. 31.03.2016 (Exhibit M-7). The management failed to produce any evidence to indicate that such order of dismissal had the approval or the concurrence of the General Manager, Kajora Area. In another Office Order bearing no. KA:APM:C-6:Dismissal:10:1306 dated 31.03.2016, the Area Personnel Manager has also stated that Bidhan Bouri was being removed from service of Eastern Coalfields Limited w.e.f. 31.03.2016 and it had the approval of the General Manager, Kajora Area. However, the management has failed to show that competent authority had any opportunity to consider the Enquiry Report, Enquiry Proceeding, findings of the Enquiry Officer or the reply submitted by the charged employee against the second Show Cause notice. In a case where a grave penalty of dismissal is passed against a workman, it cannot lightly be presumed that the competent authority has approved the dismissal without such evidence being placed. From the attending facts, circumstances and evidence on record it appears to me that the management has violated the mandate of Hon'ble Supreme Court in the case of **Union of India Vs. Md Ramzan Khan (AIR 1991 SC 471)**, wherein the Hon'ble Supreme Court of India laid down the laws as follows :

*“When the Enquiry Officer is not the Disciplinary Authority, the delinquent employee has the right to receive the copy of Enquiry Report of Enquiry Officer before Disciplinary Authority arrives at its conclusion with regards to the charges levelled against him. A denial of Enquiry Officer report before the Disciplinary Authority takes his decision on charges is denial of opportunity for the employee to prove his innocence and is a breach of principles of natural justice”.*

13. In the instant case, there is no iota of evidence that the Disciplinary Authority i.e. the General Manager of Kajora Area had any occasion to actually consider the findings of the Enquiry Officer or the reply submitted by the charged employee against the second Show Cause notice. The Management was provided several opportunity to produce the approval of the General Manager but did not discharge the onus of proof. They failed to submit any satisfactory explanation as to how the Enquiry Officer and Management Representative had put their signature on the Enquiry Report on “09.03.2016” when the proceeding was said to have been held on “11.03.2016”. It appears to me that the Enquiry Proceeding has been held in a slipshod manner and even the statement of the charged employee was not recorded. Due to such discrepancy, I am unable to place reliance upon the findings of the Enquiry Officer, holding the charged employee guilty. Accordingly, the dismissal of the workman on such faulty enquiry is not sustainable and his dismissal from service is set aside.

14. Considering all these aspects and in view of the provision under Section 11-A of I.D. Act, I hold that the order of dismissal of the workman issued by the Agent, Nabakajora Colliery in his Office Order dater 31.03.2016, communicated under memo dated 04.04.2016 is arbitrarily, illegal and not tenable under the law. The same is accordingly set aside. The management is directed to reinstate Bidhan Bouri in service within thirty days from the date of notification of this Award. In view of facts and circumstances and the contradictory statements made by the workman as the reasons for his absence, I am not inclined to grant any benefit of back wages to the workman. Accordingly, workman shall not receive any back wages for the period of his absence. The period of his absence from duty shall be treated as dies-non.

Hence,

### ORDERED

the Industrial Dispute is allowed on contest in favour of the workman. The order of dismissal issued by the Agent, Nabakajora Colliery dated 31.03.2016 and communicated under letter No. ECL/NKC/AM(HR/P)/16/255 dated 04.04.2016 is set aside. The management is directed to reinstate Bidhan Bouri in service within thirty days from date of notification of this Award. The period of absence shall be treated as dies-non. The workman will not be entitled to any back wages for the period of his absence. Let a copy of this Award be communicated to the Ministry for information and Notification

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 299.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल** के पंचाट (सन्दर्भ संख्या **05/2020**) को प्रकाशित करती है, जो केन्द्रीय सरकार को **04/01/2024** को प्राप्त हुआ था।

[सं. एल-22012/120/2019-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 299.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No. 05/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22012/120/2019 – IR (CM-II)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

#### REFERENCE CASE NO. 05 OF 2020

**PARTIES:** Ganesh Modi  
**Vs.**  
Management of Chinakuri Mine No. 1 of ECL

#### REPRESENTATIVES:

For the Union/Workman : None Appeared.  
For the Management of ECL : Mr. P. K. Das, Adv.

**INDUSTRY:** Coal.

**STATE:** West Bengal.

**Dated:** 08.12.2023

#### AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/120/2019-IR(CM-II)** dated 07.02.2020 has been pleased to refer the following dispute between the employer, that is the Management of Chinakuri Mine No. 1 under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

#### SCHEDULE

*“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Chinakuri Mine No. 1 under Sodepur Area in imposing a punishment of dismissal on Shri Ganesh Modi, Ex- Loader of Chinakuri Mine No. 1 w.e.f. 15-12-1999, as raised by Colliery Mazdoor Congress (HMS), is just and legal? If not, to what relief the workman, Shri Ganesh Modi, is entitled to?”*



1. On receiving Order No. L-22012/120/2019-IR(CM-II) dated 07.02.2020 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 05 of 2020** was registered on 24.02.2020 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate appeared for the management of Eastern Coalfields Limited. The case was fixed up on 10.11.2023 for ex-parte hearing. Mr. Sumanta Bhattacharya appeared as management witness. He filed affidavit-in-chief in support of the management's case along with documents as per list. On repeated calls at 1.00 pm none appeared for Ganesh Modi, the dismissed workman.
3. On a perusal of the record I find that Mr. Bipul Banerjee, learned advocate appeared for the workman on 18.04.2023 seeking time to file Vokalatnama on the next date to represent the workman. Since no written statement has been filed, the case was fixed for ex-parte hearing.
4. In their written statement, management of Eastern Coalfields Limited has disclosed that the workman absented from duty without Notice for the period from 01.06.1999 to 13.09.1999, causing dislocation of the company's work and inconvenience. A charge sheet dated 13.09.1999 under section 17(i)(w) of the company's standing order was issued. Workman submitted reply to the charge sheet contending that he was admitted at Sanctoria Hospital for his illness. A Domestic Enquiry was initiated against the workman. Notice of Enquiry was issued and the workman participated in the enquiry proceeding. Charge of misconduct was established against the workman and he was found guilty of charge. The Disciplinary Authority issued a letter of dismissal on 15.12.1999 in accordance with gravity of misconduct. In support of their contentions in the written statement, management produced copy of Charge Sheet, Letter of appointment of Enquiry Officer, Notice of Enquiry, Report of Enquiry Proceeding and findings of the Enquiry Officer. Management further filed a letter dated 17.11.1999 issued by the Chief Medical Officer, Sanctoria Hospital addressed to the Superintendent / Manager, Chinakuri Mines No. 1, disclosing that on verification it was found that all papers of treatment of Ganesh Modi bear wrong OPD numbers which were not routed through OPD registration counter. Note sheet dated 26.11.1999 reveals that the treatment papers of Sanctoria Hospital submitted by the employee were found to be false and accordingly certified by the Sanctoria Hospital. Finally, workman was dismissed from service on basis of a letter issued by the Chief General Manager, Sodepur Area dated 08/09.12.1999. In view of facts and circumstances, I hold that the workman does not have a good case to proceed. Due to long absence after Notice, it is presumed that he is disinclined to pursue with this case. Accordingly, the Industrial Dispute is dismissed in the form of a **No Dispute Award**.

Hence,

#### ORDERED

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 9 फरवरी, 2024

का.आ. 300.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और चरणजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (171/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-90]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 300.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 171/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Charanjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-90]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 171/2016

Registered On:-11/11/2016

Charanjit Kaur W/o Sh. Gurjant Singh R/o H.No.214, Village Jahlan (Ranbirpura) Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Smt. Charanjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

का.आ. 301.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेड क्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और सरबजीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगढ़ के पंचाट (172/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-91]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2024

S.O. 301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.172/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Sarabjit Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-91]

SALONI, Dy. Director



## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I,  
CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 172/2016

Registered On:-11/11/2016

Sarabjit Kaur W/o Amarjeet Singh R/o Village Bhateri Kalan Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar,  
Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Smt. Sarabjit Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

का.आ. 302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 22/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2024 को प्राप्त हुआ था।

[सं. एल-23012/17/2019-आई. आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

S.O. 302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 22/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 08/02/2024.

[No. L-23012/17/2019- IR (CM-II)]

MANIKANDAN N., Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 22/2019

Registered On: 29.05.2019

Shri Brij Lal S/o Shri Gobind Ram Village Kothi, Po Ranikotla, Tehsil Sadar, Distt, Bilaspur (HP)-174001.

.....Workman

## Versus

3. The Chairman Bhakra Beas Management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.

4. The Chief Engineer Bhakra Beas Management Board BSL Project, Sundernagar-175038.

.....Managements

## Award

Passed On: 09.01.2024

Central Government vide Notification No. L-23012/17/2019-IR(CM-II) dated 14.05.2019, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of management of BBMB is not accepting the demand of Shri Brij Lal S/o Shri Gobind Ram for deeming/ considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing claim statement by workman but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.

2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given to the workman to file the claim statement but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.

3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 303.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 19/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2024 को प्राप्त हुआ था।

[सं.एल-23012/11/2019-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 303.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 08/02/2024.

[No. L-23012/11/2019- IR (CM-II)]

MANIKANDAN N., Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.19/2019

Registered On: 29.05.2019

Shri Munshi Ram S/o Shri Kirpa Ram, Village Dehra Po Hatwar, Tehsil Ghumarwin, Distt. Bilaspur (HP)-174001.

.....Workman

## Versus

1. The Chairman Bhakra Beas Management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer Bhakra Beas Management Board BSL Project, Sundernagar-175038.

.....Managements

## AWARD

Passed On: 09.01.2024

Central Government vide Notification No. L-23012/11/2019-IR(CM-II) dated 14.05.2019, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of management of BBMB is not accepting the demand of Shri Munshi Ram S/o Shri Kirpa Ram for deeming/ considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing claim statement by workman but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.
2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given to the workman to file the claim statement but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 304.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी. एम. बी. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 18/2019)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/02/2024** को प्राप्त हुआ था।

[सं. एल-23012/9/2019-आई. आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 304.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 18/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **BBMB** and their workmen, received by the Central Government on **08/02/2024**.

[No. L-23012/9/2019- IR (CM-II)]

MANIKANDAN N., Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 18/2019

Registered On: 29.05.2019

Shri Pyare Ram S/o Shri Narayan, Village Dehra Po Gohar, Tehsil Chachyot at Bassa Distt. Mandi (HP)-175001.

.....Workman

## Versus

1. The Chairman Bhakra Beas Management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer Bhakra Beas Management Board BSL Project, Sundernagar-175038.

.....Managements

## AWARD

Passed On: 09.01.2024

Central Government vide Notification No. L-23012/9/2019-IR(CM-II) dated 14.05.2019, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of management of BBMB is not accepting the demand of Shri Pyare Ram S/o Shri Narayan for deeming/ considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing claim statement by workman but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.
2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given to the workman to file the claim statement but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 305.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 20/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2024 को प्राप्त हुआ था।

[सं. एल-23012/13/2019—आई. आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 305.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 20/2019) of the Central Government Industrial Tribunal-cum-Labour Court NO 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 08/02/2024.

[No. L-23012/13/2019— IR (CM-II)]

MANIKANDAN N., Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.20/2019

Registered On: 29.05.2019

Shri Dandu Ram S/o Shri Khajana Ram Vill. Sair PO Dobha, Tehsil Bilaspur (Sadar) Distt Bilaspur-174001.

.....Workman

## Versus

1. The Chairman Bhakra Beas Management Board, Madhya Marg, Sector 19-B, Chandigarh-160019.
2. The Chief Engineer Bhakra Beas Management Board BSL Project, Sundernagar 175038.

.....Managements

## AWARD

Passed On: 09.01.2024

Central Government vide Notification No. L-23012/13/2019-IR(CM-II) dated 14.05.2019, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of management of BBMB is not accepting the demand of Shri Dandu Ram S/o Shri Khajana Ram for deeming/ considering him in continuous service upto age of superannuation and resultantly entitled for consequential benefits is legal, just and valid? If not, to what relief the workman concerned is entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing claim statement by workman but none is responding on behalf of workman. It is submitted by the Ld. Counsel for the management that workman is not turning up since long and prayed for dismissal of the present claim petition.
2. Perused the file and it is found that the submissions made by the Ld. Counsel for management is true. Several opportunities have already been given to the workman to file the claim statement but of no use. Which denotes that the workman is not interested in adjudication of the matter on merits as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for the non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 306.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी.बी.एम.बी. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 1, चंडीगढ़ के पंचाट (संदर्भ संख्या 95/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2024 को प्राप्त हुआ था।

[सं. एल-23012/161/2018-आई. आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 306.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 95/2018) of the Central Government Industrial Tribunal-cum-Labour Court NO 1, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of BBMB and their workmen, received by the Central Government on 08/02/2024.

[No. L-23012/161/2018- IR (CM-II)]

MANIKANDAN N., Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 95/2018

Registered On: 21.01.2019

Shri Prem Chand & Others S/o Late Sh. Thebo (LRs of the deceased workman Thebo) resident of Village Manjho, Post Office, Bhukkar, Tehsil Bhoranj, District Hamirpur, Himachal Pradesh.

.....Workman

## Versus

1. The Chairman, Bhakra Beas Management Board, Madhya Marg, Sector -19-B, Chandigarh-160019.
2. The Chief Engineer, Bhakra Beas Management abroad, BSL Project, Sundernagar-175038.

.....Managements

## AWARD

Passed On: 21.12.2023

Central Government vide Notification No. L-23012/161/2018-IR (CM-II) dated 22.11.2018, under clause (d) of Sub-Section (1) sub-section (2) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of management of BBMB in not accepting the demands of Sh. Prem Chand & Others S/o Late Thebo for declaring his retrenchment/ termination as illegal and considering him in continuous service upto age of superannuation resulting in entitlement of consequential benefits is legal, just and valid? If not, to what relief the legal heirs/ legal representatives of late workman are entitled to and from which date?”**

1. During the pendency of the proceedings before this Tribunal the case was fixed for filing replication and affidavit by the workman. Ld. AR of workman has made a statement that the workman is not in his contact and prayed for dismissal of the present claim petition.
2. Since the workman has neither put his appearance since long nor he has filed any replication and affidavit to prove his cause against the management, as such, this Tribunal is left with no choice except to pass a ‘No Claim Award’. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
3. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 307.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और रानी, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (173/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-I)-92]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 307.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.173/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Rani.Worker.

[No. L-12025/01/2024- IR(B-I)-92]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.173/2016

Registered On:-11/11/2016

Rani W/o Laljodh Singh R/o Village Jahlon Ranbirpura, Distt. Patiala, C/o Sh. Harpreet Singh &amp; Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Smt. Rani has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

का.आ. 308.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और गुरप्रीत सिंह ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (174/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024-आई आर (बी-I)-93]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2024

S.O. 308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.174/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gurpreet Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-93]

SALONI, Dy. Director



## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.174/2016

Registered On:-11/11/2016

Gurpreet Singh S/o Sh. Surjeet Singh R/o Village Swarajpur Tehsil &amp; Distt. Patiala, C/o Sh. Harpreet Singh &amp; Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Sh. Gurpreet Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

का.आ. 309.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी .175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और गुरदीप सिंह ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (175/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-94]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2024

S.O. 309.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.175/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gurdip Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-94]

SALONI, Dy. Director



## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.175/2016

Registered On:-11/11/2016

Gurdip Singh S/o Sh. Gurjant Singh R/o Village Nain Kalan Tehsil &amp; District. Patiala, C/o Sh. Harpreet Singh &amp; Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Sh. Gurdip Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

का.आ. 310.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन .कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और गुरजीत सिंह ,कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (176/2016) प्रकाशित करती है।

[सं. एल -12025/01/2024- आई आर (बी-1)-95]

सलोनी, उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 310.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.176/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Gurjit Singh.Worker.

[No. L-12025/01/2024- IR(B-I)-95]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.176/2016

Registered On:-11/11/2016

Gurjit Singh S/o Sh. Tej Singh R/o V.P.O. Nain Kalan, Distt. Patiala C/o Sh. Harpreet Singh &amp; Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Sh. Gurjit Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 9 फरवरी, 2024

**का.आ. 311.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 21/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04/01/2024 को प्राप्त हुआ था।

[सं. एल.-22011/5/2020-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 9th February, 2024

**S.O. 311.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award ( **Reference.I.D.No.21/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **04/01/2024**.

[No. L-22011/5/2020 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

## ANNEXURE

## BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL.

**PRESENT:** Shri Ananda Kumar Mukherjee,  
Presiding Officer,  
C.G.I.T-cum-L.C., Asansol.

## REFERENCE CASE NO. 21 OF 2020

**PARTIES:** Manasa Hansda

**Vs.**

Management of Food Corporation of India

## REPRESENTATIVES:

For the Union/Workman: Mr. Gouranga Mukherjee, Adv.  
For the Management of FCI: Mr. Anirban Mukherjee, Adv.

**INDUSTRY:** Food and Public Distribution.

**STATE:** West Bengal.

**Dated:** 03.11.2023

## AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22011/5/2020-IR(CM-II)** dated 10.09.2020 has been pleased to refer the following dispute between the employer, that is the Management of Food Corporation of India, Burdwan and their workman for adjudication by this Tribunal.

## SCHEDULE

*“ Whether the action of the management of Food Corporation of India in dismissal of Sri Manasa Hansda, Watchman is correct? If not, what relief the workman is entitled to? ”*

1. On receiving Order **No. L-22011/5/2020-IR(CM-II)** dated 10.09.2020 from the Government of India, Ministry of Labour, New Delhi for adjudication of an Industrial Dispute, a **Reference case No. 21 of 2020** was registered on 17.06.2021 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Anirban Mukherjee, learned advocate for the management of Food Corporation of India is present. On call Manasa Hansda is found present. The record reveals that sufficient opportunity was given to Manasa Hansda to adduce evidence and finally on 07.06.2023 for ends of justice the case was adjourned to this date (03.11.2023) for steps by Manasa Hansda, in default, the case is to be disposed of in accordance with law.

3. It is an usual practise of Manasa Hansda to change his advocate on every date.

Previously Mr. Somnath De, learned advocate was representing the workman. Mr. Gouranga Mukherjee, learned advocate appeared and filed a fresh Vokatnama today along with application praying for adjournment on the ground that the conducting lawyer for the workman resides at Kolkata. Learned advocate has not named the advocate who was supposed to represent the workman from Kolkata. It transpires from the record that on earlier occasion adjournment had been sought for on the ground of one Mr. Somnath De, advocate, who is absent today. Strong objection is raised by Mr. Anirban Mukherjee, learned advocate for Food Corporation of India. To my mind petitioner, Manasa Hansda is trying to drag this case by changing advocates on dates fixed. Prayer for adjournment is considered rejected and parties are directed to get ready after half an hour.

4. On call at 1.00 pm Mr. Anirban Mukherjee is found present for the management of Food Corporation of India. Mr. Gouranga Mukherjee, learned advocate for the dismissed workman, Manasa Hansda. For the ends of justice, the case has been fixed today for adducing evidence. After providing accommodation of nearly one hour the workman is still found not ready and disinclined to proceed. No evidence is adduced. Under such circumstance the Industrial Dispute is dismissed in the form of a **No Dispute Award**.

Hence,

**ORDERED**

that a **No Dispute Award** be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 312.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (एलसी-आर/19/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल.-22012/109/2015-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 312.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.LC-R/19/2016**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22012/109/2015 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/19/2016**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

**Shri A.V. Suryanarayan,**

**Subordinate Engineer(Excavation),**

**Kurasia Colliery, Distt. Korea(CG)-497553**

**Korea (Chattisgarh)**

**Workman**

**Versus**

**The Chief General Manager,**

**Chirimirei Area of SECL,**

**PO: West Chirimiri,**

**Distt. Korea(CG)-497773**

**Korea (Chattisgarh)**

**Management**

**AWARD**

**(Passed on this 08<sup>Th</sup> day of January-2024.)**

As per letter dated 22/01/2016 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference no. L-22012/109/2015 – IR(CM-II) dt. 22/01/2016 . The dispute under reference related to :-

**"Whether the action of the management of SECL, Chirmiri area in not fixing the proper pay in respect of**

**Sh. A.V. Suryanarayan & 9 Others, all subordinate engineers from December, 2002 till September, 2015 in comparison to their colleagues Sh. D.P. Mathur, Sh. N. Rahman & M. Rahman is proper and justified. If not, what relief Sh. A.V. Suryanarayan & 9 Other Subordinate engineers are entitled to? "**

After registering a case on reference received, notices were sent to the parties and were duly served on them. In Spite of service of notices, the workman never appeared nor did he file even any statement of claim, Management filed a statement of defence denying the claim of workman.

Heard ex parte arguments from management

Reference is itself an issue for determination.

Initial burden to prove his claim is on the workman in which he has utterly failed as it is established from the facts mentioned above. Hence holding the claim not proved the reference deserved to answer against the workman and answered accordingly.

P.K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 313.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.ई.सी.एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, जबलपुर के पंचाट (एल.सी.आर/34/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल.-22012/20/2018-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 313.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.L.C.R/34/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Jabalpur** as shown in the Annexure, in the industrial dispute between the Management of **S.E.C.L.** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22012/20/2018 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/34/2018

Present: P.K.Srivastava

H.J.S..( Retd)

Shri Hari Yadav

President Koyal Mazdoor Sabha (HMS)

Office- Katkona Colliery, Patna Distt

Korea (Chattisgarh) - 497331

Workman

Versus

The General Manager,

SECL, Baikunthpur Area

Po- Baikunthpur

Distt Korea (Chattisgarh)

Management

**AWARD****(Passed on this 03<sup>rd</sup> day of January-2024.)**

As per letter dated 20/07/2018 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-22012/20/2018 [IR(CM-II)] dt. 20/07/2018 . The dispute under reference related to :-

**"Whether the demand raised by President, Koyla Mazdoor Sabha (HMS), Baikunthpur for regularizing Shri Deep Narayan Soni, Fitter Grade-IV as Time Keeper in Clerical Grade-III is justified and legal? If yes, to what relief the concerned workman is entitled to from the management of SECL, Baikunthpur Area, Chhattisgarh?"**

After registering a case on the basis of the reference, notices were sent to the parties. Despite service of notice on the workman, he did not appear and did not file any statement of claim.

Management has filed its written statement of defence with a case that according to the cadre scheme, on vacancy, eligible employees are given preference in selection to clerk grade-III. The workman was Lamp Fitter category five vacancy for clerk grade-III was published on 24/07/2015 and applications were invited. The workman did not participate in the selection process hence he was not appointed as clerk grade-III.

Since the workman never appeared and did not file a statement of claim, reference preceded ex-parte against him.

In evidence, management filed an affidavit of its witness corroborating its case which is uncontroverted.

I have heard arguments from the Learned Counsel for management and have gone through the record.

Reference is the issue in this case.

Burden to prove his claim is on workman in whom he has failed hence holding the claim of workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

P.K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 314.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एस.सी.सी.एल.के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण – सह – श्रम न्यायालय, गोदावरीखानी के पंचाट (संदर्भ संख्या 23/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2024 को प्राप्त हुआ था।

[सं. एल.-22013/01/2024-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 314.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 23/2019**) of the **Industrial Tribunal-cum-Labour Court, Godavarikhani** as shown in the Annexure, in the industrial dispute between the Management of **S.C.C.L.** and their workmen, received by the Central Government on **08/02/2024**.

[No. L-22013/01/2024 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

**ANNEXURE**

**BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM- ADDL. DIST. & SESSIONS COURT, GODAVARIKHANI.**

**PRESENT:- SRI Dr.T.SRINIVASA RAO,**

CHAIRMAN-CUM-PRESIDING OFFICER.

TUESDAY, ON THIS THE 30<sup>th</sup> DAY OF JANUARY, 2024.

**I.D.No. 23 of 2019**

**Between:-**

Ragula Laxminarayana, S/o. Lingaiah, Age:49 Years, Occ:General Mazdoor, R/o. Palakurthy, V/o. Palakurthy (M) Peddapalli District.

....Petitioner/Employee

## A N D

1. The General Manager, S.C.C.L R.G-II, Godavarikhani, Peddapalli District.
2. The Managing Director, S.C.C.L, Singareni Bhavan, Redhills, Hyderabad.

.... Respondents/Employer

This case coming before me for final hearing in the presence of Sri S. Bhagavatha Rao, Advocate for the Petitioner and of Sri T. Ravinder Singh, Advocate for the Respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

## AWARD

1. This petition is filed U/Sec.2-A (2) of I.D. Act praying to set aside the dismissal order dt.13.11.2018 passed by the Respondent No.1 and direct the Respondents' Corporation to reinstate the petitioner into service with continuity of service, together with all attendant benefits and full back wages.

2. The brief averments of the petition are as follows:-

2(a). That the Petitioner is appointed as an employee in the year 16.09.1996 discharged his duties to the fullest satisfaction of the superiors till up to dismissal from service on 13.11.2018. The services of Petitioner are governed by various standing orders of the Company and he worked for more than 22 years and discharged his duties without any red mark. That while discharging functions in company, the Petitioner's health was not good and he used to remain absent in the year 2016-17 for that the Respondents has issued a Charge Sheet on 25.01.2017 leveling charges of absenteeism for the period of 2016 but not 2017. The Petitioner participated in the domestic enquiry and stated that his health was not good and also his mother's health was not good and subsequently his mother was died and that he under gone appendicitis and hernia operation in the Company Hospital and also Private Apollo Hospital Karimnagar.

2(b). The petitioner could not attend to his duties in the year 2016, because of his ill-health and ill-health of his mother who subsequently passed away and thereby the petitioner became Mentally Sick. He was under company sick from 17.08.2018 to 20.08.2018 by undergoing treatment and the Company Hospital performed the Operation of Appendicitis and hernia. Due to improper surgery by the Doctors of Respondent Company and due to negligence on the part of Company Doctors, infection has been taken place and thereby the petitioner's health was deteriorated. Further, two big Tumors were formed in the abdomen of Petitioner and thereby he was unable to discharge his duties. That the Respondent Company has conducted domestic enquiry and dismissed the petitioner from service on 13.11.2018 in spite of bringing all the facts regarding his health problems.

2(c). The Petitioner submitted appeal requesting to take a lenient view and to provide any surface job but the Appellate Authority did not consider the same and there is no any response from the Respondent Company. The petitioner got 11 years of service for Superannuation and he is a permanent employee and the Respondent did not pay Subsistence Allowance as per standing Orders of the Company and the entire proceedings of enquiry are null and void and not binding on the Petitioner. The Respondent taking the advantage of illiteracy of the petitioner, took his signatures on blank white papers and without explaining the contents of the statements recorded by the Company Officers and prepared false enquiry reports and dismissed him from service and the Respondent Company played fraud and unfair labor practice imposed final punishment of dismissal incorporated under the standing Orders of the Company. Since then the Petitioner is facing lot of troubles as his health is not cooperating and it is very difficult to pull his family cart in these hard days. Therefore, he prays to set aside the dismissal order dt.13.11.2018 and direct the respondents'-company to reinstate him into service with continuity of service, all attendant benefits and full back wages.

3. On the other side, the Respondents'/Company submitted counter by admitting the employment of Petitioner/Workman and inter-alia contended that the petitioner was appointed in the company from 16.09.1996, under dependent employment scheme. According to Section 52(2) of the Mines Act, 1952 an underground employee is required to put-in minimum 190 musters and surface employees 240 musters per year. The Petitioner being an underground employee is expected to put in minimum of 190 musters in a calendar year but he being a chronic absentee had put in only 26 musters in the year 2017. The following attendance particulars indicate that the Petitioner was not regular to his duties and he had not put-in minimum required 190 musters during the year 2012 to 2018.

Year	2012	2013	2014	2015	2016	2017	2018
Musters put in	169	83	67	105	04	26	38

3(a). The petitioner was dismissed from service on 17.11.2018 for the proved misconduct under the Standing order No. 25.25 & 25.31. The underground employee has to put 190 musters, but the petitioner being an underground employee has not put in 190 musters and he was habitual absentee from the duty without any sufficient cause. He has put in only 26 musters during the year 2017 as such he was charge sheeted on 17.01.2018 for non-putting 190 musters



in that year, due to habitual absenteeism without any sufficient cause under clause 25.25 & 25.31 of the Respondent Company Standing orders. The relevant clause of standing orders reads as under:

*"Clause 25.25 – Habitual late attendance or habitual absence from duty without sufficient cause."*

*And*

*"Clause 25. 31 – Absence from duty without sanctioned leave or sufficient cause or overstaying beyond sanctioned leave."*

3(c). It is to submit that an enquiry was conducted in to the charges levelled against the petitioner on 10.07.2018 wherein he participated and he was given full and fair opportunity to defend his case. Further, The Enquiry officer held the petitioner guilty for the charges levelled against him and submitted enquiry report dated 04.09.2018. A show cause notice was issued to the petitioner, to which he submitted his explanation dated 10.10.2018 and the same was found unsatisfactory. Hence, after considering the past record and finding no extenuating circumstances to take a lenient view, the petitioner was dismissed from service from 17.11.2018 by Office Order dt.13.11.2018. All the contentions of the petitioner that the enquiry officer has not gone through the reports of Doctor and photographs with regard to the health of the petitioner and not considered, with malafide intention and victimized the petitioner and terminated the petitioner by adopting the unfair labour practice is incorrect, the petitioner has not submitted any proof as claimed by him, he is put to strict proof of the same.

3(c). The petitioner was a habitual absentee, his attendance during the year 2016 was also less and increment with cumulative effect for his habitual absenteeism in that year. In spite of that he failed to change his attitude and not improved his attendance, even after he was given an opportunity to improve his performance. As such, the respondent company was constrained to dismiss the petitioner from service. Now the petitioner in order to gain the sympathy of the court, he has fabricated false story and filed the present case basing on the created grounds, hence the petitioner is put to strict proof of the same.

3(d). The petitioner well aware that he is not eligible for the surface job, to provide the surface job, there is a separate procedure is to be adopted and hence his claim is to get the sympathy of the court. He failed to prefer an appeal under the Respondent Company Standing orders clause 29, before the Appellate Authority of the company within the limitation i.e., within (45) days from the date of order of dismissal. The petitioner has filed to file an appeal within the stipulated period and he is put to strict proof of the facts that he filed an appeal before the appellate authority. Further, payment subsistence allowance is applicable to the employees suspended pending enquiry, who are facing serious charges such as theft, fraud, riotous conduct at the place of work, causing will full damages to the property of the company or sabotage or serious case of wilful insubordination etc., The petitioner is charged for his absenteeism without any sufficient cause, but not for not the above reasons and hence he is not entitled for any subsistence allowance. Further, if the petitioner was suffering from ill-health he would have utilized the medical facilities provided by the Company at the Area Hospitals, in case of critical medical conditions he would have referred to Corporate Hospitals by the Company, without which, the allegations of the petitioner against the company that company played unfair labour practice and other words are in correct and denied.

3(e). The habitual absenteeism creates indiscipline among workers, disturb the working system, it will reflect on the co-workers working system and also causing financial burden due to extending the benefits though they are not contributing in the production. Further huge sums are being forced to earmark the provisions for gratuity, in spite of their zero contribution to the organization. Further, the respondent/management has examined all the possibilities to reduce the punishment and petitioner being a chronic absentee, the company could not find any way to take lenient view in this case. As the case of the petitioner was devoid of demerits, the respondent company was constrained to dismiss him from service. Therefore, the respondents prayed to dismiss the petition and not to grant any relief to the petitioner.

4. In support of the claim of the Petitioner/Workman, he himself as examined as WW-1 and got marked Ex.W-1 to Ex.W-6 on his behalf. On the other side, for the Respondent's-Corporation Ex.M-1 to Ex.M-8 were marked, with consent.

5. Heard, the learned counsel for Petitioner/Workman as well as learned Junior Law Officer for the Respondent's/Corporation, besides written arguments.

6. *Now the points for consideration are:*

1. *Whether the domestic enquiry conducted by the respondent is held valid or not?*
2. *Whether the charge leveled against the petitioner is proved basing on evidence or not?*
3. *Whether the dismissal order, dt.13.11.2018 is liable to be set aside, if so, the petitioner is entitled to reinstatement with continuity of service with all attendant benefits and full back wages?*

*If not to what relief is the worker entitled to?"*



7. From the pleadings of the Petitioner/Workman and Respondents' Company, these are the admitted facts that the Petitioner/Workman was working as General Mazdoor in Respondents'/Company and he was dismissed from service. Now coming to the documentary evidence of both sides, on behalf of the respondents/company Ex.M-1 to Ex.M-8 were marked with consent, wherein, Ex.M-1 is the office copy of charge sheet dt.17.01.2018, Ex.M-2 is the enquiry proceedings and Ex.M-3 is the enquiry report. Ex.M-4 is the show cause notice dt.28.09.2018 and Ex.M-5 is acknowledgement given by the petitioner for the above show cause notice. Ex.M-6 is the explanation to the show cause notice and Ex.M-7 is dismissal order dt.13.11.2018. Ex.M-8 is the authorization letter. On the other side, the petitioner himself was examined as WW-1 and got marked Ex.W-1 to Ex.W-6 on his behalf. Ex.W-1 is the Proceedings No.RG-II/PER/4/3417 of the Deputy General Manager, RG-II Area and Ex.W-2 is the charge sheet. Ex.W-3 is the show cause notice and Ex.W-4 is charge memo. Ex.W-5 is the enquiry report and Ex.W-6 is the dismissal order. The above documents of both sides are not in much dispute by either side.

8. Here, the learned counsel for the respondents'-company has strenuously argued that the petitioner was appointed in the company on 16.09.1996, under dependent employment scheme. The Petitioner being an underground employee is expected to put-in minimum of 190 musters in a calendar year but he had put in only 26 musters in the year 2017 and during the year 2018 he put-in only 38 musters, which shows that he is a chronic absentee. As he was put in only 26 musters during the year 2017, charge sheet was issued to him for non-putting 190 musters and for his habitual absenteeism without any sufficient cause under clause 25.25 & 25.31 of Company Standing orders. Departmental enquiry was conducted in to the charges leveled against the petitioner on 10.07.2018 wherein he participated and he was given full and fair opportunity to defend his case and the Enquiry officer held the petitioner guilty for the charges leveled against him and submitted enquiry report dated 04.09.2018. A show cause notice was issued to the petitioner to which he submitted his explanation dt.10.10.2018 and the same was found unsatisfactory. As there were no extenuating circumstances to take a lenient view, the petitioner was dismissed from service by Office Order dated 13.11.2018.

8(a). The learned counsel for the respondents'/company also argued that the petitioner was a habitual absentee, his attendance during the year 2016 was also less and as he has not put in (190) musters, he was imposed penalty of stoppage of one increment with cumulative effect for his habitual absenteeism in the year, 2016. In spite of that he failed to change his attitude and not improved his attendance, even after he was given an opportunity to improve his performance. As such, the respondents'/company was constrained to dismiss the petitioner from service. He is not eligible for the surface job and he did not prefer any appeal before the Appellate Authority of the respondent company within (45) days from the date of dismissal. Payment of subsistence allowance is applicable to the employees suspended pending enquiry and he is not entitled for payment of any subsistence allowance. If he was suffering from any ill-health, he would have utilized the medical facilities provided by the Company at Area Hospitals. Further, habitual absenteeism creates indiscipline among workers, disturb the working system, it will reflect on the co-workers working system and also causing financial burden due to extending the benefits though they are not contributing in improving the production. As the case of petitioner was devoid of any merits, the respondent company was constrained to dismiss him from service. Therefore, he prayed to dismiss the petition without granting any relief to the petitioner.

9. Per contra, the learned counsel for the Petitioner/workman contended that the Petitioner was appointed in the Respondents'-Company on 16.09.1996, discharged duties till his dismissal from service on 13.11.2018 and he worked for more than 22 years without any red mark. As his health was not good, he used to remain absent in the year 2016-17 for which he was issued a Charge Sheet and even during domestic enquiry he clearly deposed that his health was not good and also his mother's health was not good and subsequently his mother was died and that he under gone appendicitis and hernia operation in the Company Hospital and also Private Apollo Hospital Karimnagar. The petitioner could not attend to his duties in the year 2016, because of his ill-health and ill-health of his mother who subsequently passed away and thereby the petitioner became Mentally Sick. He got few years of service for superannuation and he is facing lot of troubles as his health is not cooperating and it is very difficult to pull his family cart in these hard days. Therefore, he prays to set aside the dismissal order dt.13.11.2018 and direct the respondents'-company to reinstate him into service with continuity of service, all attendant benefits and full back wages.

#### **POINT No.1:**

10. In this matter, initially the petitioner/workman denied the validity and legality of the enquiry report. But, on 21.09.2022, the learned counsel for petitioner filed memo U/Sec.11-A of I.D Act by accepting the procedure of domestic enquiry. Now the next question is whether the misconduct is proved in the facts of the case and the findings are not perverse. So, this Tribunal is to re-appreciate the evidence and come to its own conclusion with regard to finding guilty or not based on evidence. Accordingly, the Point No.1 is answered.

#### **POINT No.2 & 3:**

11. In view of the pleadings of the Petitioner/Workman as well as Respondents/company as well as in view of the rival arguments of their counsel, now this Court will go into the evidence on record. Admittedly, the petitioner

was dismissed from service by Proc. dt.13.11.2018 wherein it is alleged that the petitioner was absent from duty without sanctioned leave or sufficient cause during the year 2016.

12. A perusal of the record, it is evident that the petitioner absented to duties for 262 days and had put-in only 26 musters during the year 2017, as per the charge sheet dt.17.01.2018 under Ex. W-1 and the petitioner did not submit his explanation to charge sheet. However, a perusal of Ex.M-2 proceedings of enquiry shows that the Petitioner/ Workman participated in the domestic enquiry and deposed that he absented from duty from January 2017 to December 2017 without sanctioned leave, due to ill-health of his mother and her death and also due to his own ill-health he was unable to attend to his regularly during 2017 and 2018 up to June. He assured that he will attend to his duties as his health was in progress and requested to take a lenient view. Further from the Enquiry Report under Ex.M-3, it is clearly evident that the charges were amply proved against the petitioner and he was asked to submit his representation if any, on the enquiry findings report within (7) days, which is marked as Ex.M-4. The petitioner acknowledged the same and submitted his representation dt.10.10.2018, which is on the same lines of his deposition during enquiry. The petitioner explained about his ill-health, his mother's ill-health and her death subsequently, due to which he absented to duties during the year 2017 and prayed to consider his case sympathetically. However, the respondents/company dismissed the petitioner/workman from service by Proc. dt.13.11.2018 which is marked as Ex. M-7. Thus, it is evident from the enquiry report under Ex.M-3 as well as the material on record, that the petitioner had not put in minimum required musters of 190 and he put-in only 26 musters during the year 2017. For which, petitioner submitted that due to ill-health and chronic ill-health of his mother and her unfortunate death, he was unable to perform duty regularly during the charge sheet period. Both the enquiry statement of petitioner under Ex.M-2 and his explanation to the show cause notice under Ex.M-6 are on the same lines and they clearly show that the petitioner/workman suffered from ill-health during the charge sheet period and the defense put-forth by the petitioner is plausible. However, it is clear that the petitioner has not attended to duties regularly and the charges were proved against him. Therefore, it can be said that the respondents/company has no axe to grind against the petitioner. Hence, this Tribunal has no hesitation to hold that the charges leveled against the petitioner/workman are proved and misconduct of the workman is established basing on the evidence and findings of enquiry officer are not perverse. Moreover, this is not the case of loaded dice situation against the petitioner by the respondents/corporation.

12(b). Apart from the above, the contention of the Petitioner/ Workman is that he was appointed in the year 1996 and he served the company for (22) years, this is his very 1<sup>st</sup> dismissal from service and he hails from a very poor family, he has got no other livelihood and facing untold financial problems, and prayed to consider the case U/Sec.11-A of I.D. Act.

12(c). In support of the above contentions, the learned counsel for the petitioner/workman has relied upon a decision of the Hon'ble High Court reported in 2012 (1) ALD 220 (DB), wherein their lordships observed that:

*"The Industrial Disputes Act, 1947 is a social welfare legislation, which required to be interpreted keeping in view the goals set out in the Preamble and Directive principles of State Policy in Part-IV of the Constitution. Merely because workman approached to Labour Court with delay, relief cannot be denied. No indication in the Act that delay extinguishes right conferred on the workmen under Industrial Law. The Labour Court is conferred with very wide discretion under section 11-A. The Industrial Court conferred with very wide discretion under section 11-A of the Act for granting appropriate relief".*

13. Therefore, in view of the above decisions and the facts and circumstances of the case, if we come to quantum of sentence it is settled law that the discretion of which can be exercised U/Sec.11-A is available only on the existence of certain factors like punishment being disproportionate to the gravity of misconduct so as to disturb the conscience of the Court, or the existence of any mitigating circumstances which require the reduction of the sentence, or the past conduct of the workman which may persuade the Labour Court to reduce the punishment. Therefore, in the present case on hand, a perusal of record, it shows that this is the very 1<sup>st</sup> dismissal from service of the petitioner. Further, the petitioner submitted that he hail from a very poor family and has got no other livelihood and facing untold financial problems, hence prayed to consider the case U/Sec.11-A of I.D., Act. The petitioner is out of employment from 13.11.2018, he served the respondents/company for 22 years and this is very 1<sup>st</sup> dismissal from service. Further, there was reasonable cause for his absence to duties during charge sheet period and hence, in view of the above circumstances of the case, this Tribunal is of the opinion that the extreme punishment of dismissal from service imposed by the respondents/company against the Petitioner deserves to be set aside since the disciplinary authority cannot be permitted to act arbitrarily and work like a Roman Knight and it cannot be allowed a fight between David and Goliath as in the present case on hand.

14. Therefore, in view of the above facts and circumstances and keeping in view of the principle "*temper justice with mercy*" and to meet the ends of justice, this Tribunal is of the opinion that the punishment of dismissal from service imposed on the Petitioner vide the Proc. dt.13.11.2018 under Ex.M-7 deserves to be modified. However, since the charges leveled against the petitioner are proved, the relief is to be molded by this Tribunal appropriately and this Tribunal is of the considered opinion that the petitioner is entitled to be reinstated into service only. But, the petitioner is not entitled to any back wages, any continuity of service and any attendant benefits during the intervening period from the date of his dismissal to till date since the petitioner might have gainfully employed during

pendency of this Industrial Dispute. However, the past service rendered by the petitioner from the date of his appointment to till his dismissal shall be protected for all purposes and his pay shall be fixed in the revised pay scales/wage boards from time to time. Hence, the punishment of dismissal from service imposed by the Respondents Company is hereby modified appropriately. Accordingly, the Point No.2 & 3 are answered.

15. **IN THE RESULT**, the petition is partly allowed. The dismissal order, dt.13.11.2018 under Ex.M-7 passed by the Respondent No.1 is hereby modified appropriately. The respondents'/company is directed to reinstate the petitioner into service only, but without any continuity of service, without any attendant benefits and without any back wages from the date of his dismissal to till date. However, the past service rendered by the petitioner from the date of his appointment to till his dismissal shall be protected for all purposes and his pay shall be fixed in the revised pay scales/wage boards from time to time. The petitioner is entitled to the salary only from the date of publication this Award. Copy of the Award be sent to the appropriate Government for publication. Both parties shall bear their own costs.

Typed to my dictation, corrected and pronounced by me in the open court, on this the 30<sup>th</sup> day of January, 2024.

Dr.T.SRINIVASA RAO, Chairman-cum-Presiding Officer,

#### APPENDIX OF EVIDENCE

##### WITNESSES EXAMINED

FOR WORKMAN:-

Sri.R.Laxminarayana, WW-1.

FOR MANAGEMENT:-

-Nil-

##### EXHIBITS

FOR WORKMAN:-

Ex.W-1	Dt.	13.11.2018	Proceedings No.Ref.No.RG-II/PER/4/ 3417 on the file of Deputy General Manager Personal RG-II Area.
Ex.W-2	Dt.	25.01.2017	Charge sheet
Ex.W-3	Dt.	16.10.2017	Show cause notice
Ex.W-4	Dt.	25.01.2017	Charge memo
Ex.W-5	Dt.	--	Enquiry report
Ex.W-6	Dt.	13.11.2018	Dismissal order

FOR MANAGEMENT:-

Ex.M-1	Dt.	17.01.2018	The office copy of charge sheet No.RG.2/Vkp/18CS/11, dt.17.01.2018.
Ex.M-2	Dt.	10.07.2018	The enquiry proceedings in original.
Ex.M-3	Dt.	04.09.2018	The enquiry report in original.
Ex.M-4	Dt.	28.09.2018	The attested copy of show cause notice No.RG2/PER/CF/KK/2994, dt.28.09.2018.
Ex.M-5	Dt.	04.10.2018	The attested copy of acknowledgement given by the petitioner for the above show cause notice.
Ex.M-6	Dt.	10.10.2018	The attested copy of explanation to the show cause notice.
Ex.M-7	Dt.	13.11.2018	The attested copy of dismissal order No.RG2/Per/CF/RL/3399.
Ex.M-8	Dt.	28.11.2023	Authorization letter.

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 315.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल एविएशन कंपनी ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट

(संदर्भ संख्या 42/2011 & एल.सी.2/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल.-22012/92/2011-आई.आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 315.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref.No.42/2011&L.C.2/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **singareni Collieries Company Ltd** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22012/92/2011 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 8<sup>th</sup> day of January, 2024

**INDUSTRIAL DISPUTE No.42/2011**

**& L.C.No. 2/2011**

Between:

The General Secretary,  
(Sri Bandari Satyanarayana),  
Singareni TNTUC, H.No.18-3-90/3,  
Markandeya Colony, Ganesh Nagar,  
Godavarikhani – 505209.

Dist. Karimnagar

..... Petitioner

AND

The General Manager,  
M/s. Singareni Collieries Company Ltd.,  
Mandamarri Divn.,  
Mandamarri – 504303,  
Adilabad Dist..

.... Respondent

Appearances:

For the Petitioner : Ms. G. Sudha, Advocate

For the Respondent: M/s. P.A.V.V.S. Sarma & Vijaya Lakshmi Panguluri, Advocates

#### COMMON AWARD

The Government of India, Ministry of Labour by its order No. L- 22012/92/2011-IR(CM-II) dated 22.7.2011 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workman. The reference is,

#### SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Divn. Adilabad Distt., in dismissing the services of Sri Thota Thirupathi Ex-General Mazdoor of Kasipeta Mine of SCCL, Mandamarri Divn., with effect from 15.3.2008 is justified? To what relief the applicant workman is entitled to?”

The reference is numbered in this Tribunal as **I.D. No. 42/2011** and notices were issued to the parties concerned. The Petitioner has also filed a petition under Sec.2A(2) of the Act with the same prayer which was numbered as **LC No.2/2011**. Therefore, both cases were clubbed as one and same, vide order dated 28.11.2011 and accordingly a common award is being passed.

**2. The averments made in the petition in brief are as follows:**

It is submitted that the Petitioner joined in the respondent Company as General Mazdoor on 16-12-1993 at Kasipet Mine of M/s. Singareni Collieries Co. Ltd., Mandamarri Area, Adilabad District and was dismissed from service with effect from 15-03-2008. At the time of dismissal he was General Mazdoor-Category-II. It is submitted that the Petitioner initially has undergone basic training in Batch No 1131 under Basic Training Cert No. 1048428 for the period 11.9.1993 to 6.10.1993 as required under the MVT Rules, 6 & 22 for all Mine workers. The Petitioner's appointment is a compassionate appointment as his father Sri. Thota Ganapathi ex-Tyndal, Belampalli who opted for voluntary retirement on 13-4-1993. After undergoing the training successfully since 1993 Petitioner held several posts as directed by the respondent vide Ref. No. Agent/RKP (P) /96/4/8/282 dt 09-09-1996 (office order The SCC Ltd - Srirampur (Projects) Area) - 125 Coal Fillers (Piece rated) of RK New Tech., was drafted as General Mazdoor (underground) Category-I in the pay scale of Rs. 65.40-1.08-80.52 w.e.f 01-09-1996 along with 125 others (Sl no. 119 is Thota Tirupathi) on probation for a period of 6 months from 9-9-1996. On satisfactory completion of probationary period, Shri Thota Tirupathi RK -New Tech appointed as Coal Filler (Piece rated) was confirmed in the post w.e.f. 01-07-1996. Further vide Ref. No. Agent/RKP(PY97/4/7/285 dt 29-07-1997 (at Sl.No. 106) on satisfactory completion of probationary period confirmed as General Mazdoors, Category-I w.e.f. 9-3-1997. This Petitioner discharged duties to the utmost satisfaction of the respondent management without any complaint so the respondent office order vide Ref.No. MMR / PER/P/031/5232 Mandamarri area, Kalyani Khani dt 16.10.2004 upgraded Petitioner to next higher category/grade i.e. Category -II under service linked up-gradation scheme / cadre scheme and was confirmed in the said post and placed on probation from 9-2-2004 and was confirmed on 9.8.2004. Thus, in all, the Petitioner has put in 17 years of service in the respondent company. It is submitted that Petitioner had unblemished service record and discharged the services to the entire satisfaction of his superiors and he was promoted to General Mazdoor Category II w.e.f.1-1 2004 and confirmed in the post on 9-8-2004 and continued to work in SRP workshop and all these years this Petitioner was working on daily rated wage basis. It is submitted that the Petitioner was very punctual and sincere in discharging his duties. In view of certain health and medical as well as family problems during the year 2006 Petitioner had put in only 100 musters. For the first time in the Petitioner's career he was called upon and counselled on 25-5-2007 and was directed to put in 20 musters per month for a period of three months calling it a 'conditional period' and Petitioner accordingly fulfilled the instructions de hors the health personal conditions of Petitioner by putting 65 musters. It is submitted that reasons best known once again without heeding to the Petitioner's difficulty he was called upon for counseling on 29-10-2007 second time and advised by the respondents letter to put in 20 musters in the month of November 2007 and also issued a letter in this context on 11-12-2007 and Petitioner complied the same. Thus even as per the record of the respondent he had put in 112 musters in the year 2007. It is submitted that all the alleged acts of the Petitioner according to the respondent were condoned and then counselling was done and Petitioner had complied as though he committed grave errors, inspite of that the respondent initiated disciplinary action against Petitioner and issued a charge sheet date 6-2-2007 alleging that Petitioner is 'habitually absented' from duty in attended only 35 days without getting any leave sanctioned or sufficient cause on the following days:

Jan.2006:	Dates 1 to 4 and 6 to 31.
Feb. 2006:	Dates 1 to 28.
March 2006:	Dates 12 to 31.
April 2006:	Dates 1 to 30.
May 2006:	Dates 2 to 31.
June 2006:	Dates 1 to 7, 10, 14, 16 to 30.
July 2006:	Dates 1 to 17, 19 to 31.
Aug. 2006:	Dates 1 to 31.
Sep. 2006:	Dates 1 to 5, 9, 13, 14, 27.
Oct. 2006:	Dates 6, 14 to 31.
Nov. 2006:	Dates 1 to 30.
Dec. 2006:	Dates 1 to 31.

It is submitted that a make show enquiry was conducted and when this Petitioner submitted the explanation in Telugu it was received by the respondent management and no acknowledgement was not given to the Petitioner. It may be noticed without even giving sufficient time Petitioner was asked to give explanation and Petitioner wrote the explanation in Telugu when Petitioner tried to hand over to Smt.B.Nicholos DYPM who asked Petitioner to handover to her PA and left, accordingly Petitioner gave the explanation to the PA, Sri.Nageswar Rao (acting PA) who refused to give the explanation. The Petitioner was under the bonafide impression that Sri.Nageswar Rao will place the said explanation in the record. Later Petitioner participated in the enquiry conducted at Kasipet Mine office. The entire enquiry was conducted in one sided manner and not allowed the representative to participate and plead on behalf of Petitioner and enquiry was concluded and the enquiry proceedings dated 25-5-2007 were forwarded to Petitioner and basing on the one sided version of the respondent management contrary to record this Petitioner was dismissed from service with effect from 15.03.2008. Then Petitioner preferred an appeal on 26.8.2009. The respondent management vide their letter dated 13.11.2009 informed Petitioner that the dismissal order was confirmed and there will be no withdrawing the punishment of dismissal imposed. Aggrieved of the same Petitioner approached the Labour department Central and the conciliation failed as the respondent mislead as well as wrong particulars were furnished about the Petitioner's musters so the matter was referred to the Government to refer the dispute to competent court for adjudication. It is submitted that Petitioner having come to know the advent of the latest amendment to the Industrial Disputes Act approached this Court under Section 2A(2) of the said Act challenging the impugned dismissal order. The order was sent to Petitioner by respondents dismissing the Petitioner w.e.f. 15-03-2008 and confirming the same in appeal on 26-8-2009, on 13-11-2009 is arbitrary, illegal, beset with material irregularities and bad in law. The domestic enquiry conducted is one sided and contrary to principles of natural justice as no opportunity was given or the correct muster record was looked into as such it has to be set aside and based on defective enquiry dismissal order was passed which is unsustainable in law. The disciplinary authority as well as the appellate authority has not looked into the past record before passing the impugned order and the dismissal order is shockingly disproportionate as Petitioner has already put on 14 years service. The respondent condoned the absenteeism of several employees but not that of Petitioner as he has no influence of political financial or any other sort thus discriminated the Petitioner. It is submitted that the respondent management examined the muster for the previous years before taking any action against the concerned employee and the minimum musters of 100 are required in a given year. Petitioner has fulfilled the said norm which is evident from the following information as per the muster record of Petitioner as detailed hereunder and the record is in the custody of the respondent:

Year	Musters
2003	102
2004	103
2005	102
2006	034
2007	112
2008	Nil upto 19-2-2008

It may be seen that in the year 2006 Petitioner's musters are only 034 based on which this Petitioner was charge sheeted, enquiry conducted and dismissed in 2008. It is submitted that during the year 2006 because of health and family problems as well as personal problems Petitioner suffered deep shock and mental agony as his wife deserted him and left, so Petitioner went into depression and not in a position to do anything and consequently could not keep the management informed about his mental condition which he informed orally to all the officers concerned. In fact, at the dismissal time, Petitioner had to his credit more than 50 leaves which the respondent could have adjusted, whereas for others it was done, adopting discriminative attitude taking advantage of Petitioner's helpless position. It is submitted that the respondent management as a policy or procedure considers for all the employee who put in minimum 100 musters no action is taken and this Petitioner is falling short of three musters only dehors the procedures and established norms, took action against the Petitioner same is the case in the year 2007. As stated supra Petitioner was called for counseling and was asked to put in a minimum of 20 days average for 3 months in 2007 in June-July-August 2007 which this Petitioner fulfilled by putting in above 60 days. Normally no one is called for second counseling if the first counseling advise is fulfilled, but Petitioner was called for second counseling indicates a make show counseling was done and with an intention to remove the permanent employee only all other acts were initiated, the officers bonafides were questionable in nature and they discriminated against similarly placed. But for the reasons best known to respondent management at one breath acted as though they condoned the alleged acts and another breath initiated disciplinary action, conducted domestic enquiry in one sided manner and based on the defective enquiry dismissing the Petitioners services is bad in law. The respondent informed that the muster required are not 100 musters but 190 musters. This was never informed to the Petitioner. If it was 190 musters respondent management could have taken action against the Petitioner from the year 2003 onwards. But for reasons



best known to the respondent management with a vindictive attitude adopted unfair labour practice and even after fulfilling the conditions prescribed with regard to the period still dismissed for the absenteeism in 2006 thus victimized this Petitioner. Further this Petitioner's father's name was wrongly mentioned in the dismissal letter and also in the 2<sup>nd</sup> counseling letter. It is submitted that the Petitioner obtained information from the respondent management under RTI Act and requested the respondents to furnish how many musters a workman had to put in to protect his job, the respondent management informed that if it is underground 190 musters and if it is surface, it is 240 musters per year. When the same information was asked by others, the respondent management informed if there are 100 musters per year, no action would be taken against the workmen and that there is a Circular in which it was indicated that it was sufficient if a workmen puts in 100 musters. Hence, the procedure was adopted only towards the Petitioner so the respondents started searching reasons to remove Petitioner which is predetermined. It is submitted Petitioner is a poor person and having a big family to maintain and because of the hasty action of the respondent Petitioner's family is poverty stricken and suffering with hunger and there is no heady way to live and no other alternative source of living or employment and old aged parents wife and children are fully dependent upon this Petitioner. The dismissal being illegal one Petitioner be restored back by reinstating him to his employment with back wages and continuity of service as Petitioner is undergoing untold misery because of respondent made him indigent. The 14 years of long service and two years conditional service was also not considered resulting irreparable loss and injury to the Petitioner. In view of the above mentioned facts the Petitioner prayed to set aside the dismissal order confirmed in appeal and direct the respondents to reinstate the Petitioner in services of the respondent company with continuity of service, back wages from 15.3.2008 and also award by giving the service linked increment with cost and pass the award in the circumstances of the case with exemplary costs.

**3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

It is submitted that as far as the Respondent's Company is concerned, it operates the mines and the appropriate government is Central Government. While the matter is pending before the Govt. of India, Ministry of Labour, the Petitioner had filed the present petition before this Hon'ble Court. In accordance with the provisions of Section 2(A)2 and (3) of I.D. (Amendment) Act, 2010, in case of individual dispute of workman related to discharge, dismissal, retrenchment or termination by any means, the workman has the right to approach Labour Court directly without waiting for conciliation proceedings and Govt. reference, but has to wait for three months for this direct action from the date of filing before the conciliation officer if the Govt. is not able to complete the reference process within three months. In the present case, the conciliation officer submitted the failure of conciliation report to Govt. of India, Ministry of Labour only on 19.04.2011 and the Petitioner even before completion of 3 months time filed the present petition before this court on 09.02.2011 u/s 2A(2) of the Act. Thus the present petition is liable to be dismissed on this count. It is submitted that the Petitioner was initially appointed in the Respondent's Company on 16.12.1993. The Petitioner was working as General Mazdoor at Kasipet Mine of Mandamari Area. The Petitioner was dismissed on proved charge of absenteeism with effect from 15.03.2008. He was in Category-II under Service Linked Up-gradation Scheme. It is submitted that the Petitioner was appointed as Badli filler since his father Sri Thota Ganapathi opted for voluntary retirement on health grounds seeking dependent employment to his dependent son i.e. the Petitioner. In the respondent company, there is a system of regularizing the services of Badli fillers and Badli Workers as Coal fillers / General Mazdoors depending upon the sanctioned vacancies of Coal Fillers/General Mazdoors. In such exercise the Petitioner too was appointed as Coal filler along with other such Badli fillers. General Mazdoor post is Category-I post and it is the lowest category post in the respondent company while Coal filler is piece rated employee and draws Group V A wages which is higher than Category-I General Mazdoor pay scale. Hence, giving General Mazdoor post to Coal filler is not a promotion but it is drafting one category post to another category of post. It is submitted that any person at the time of appointment in respondent company, after undergoing Medical Examination, shall have to undergo Basic Job Training as per Mines Vocational Training Rules and the Petitioner is no exception to it. Such training is mandatory before deployment on duty in underground. It is submitted that Coal Miners are governed by the National Coal Wage Board Agreements. The Joint Bipartite Committee for Coal Industry shall decide through National Coal Wage Agreements the pay scales, allowances and Service Linked Up-gradations of Coal Miners. Under Service Linked Up-gradation Scheme those employees who are stagnated in the same category/grade are for 10 years or more eligible for Up-gradation to immediate category/grade. This is just an Up-gradation by afflux of time but next higher not promotion and hence under this Up-gradation no fitment increment is given. From the date of appointment to dismissal i.e. from the date of 16.12.1993 to 15.03.2008, the Petitioner had put in 14 years and 3 months service in the respondent company but not 17 years of service as claimed by the Petitioner. It is submitted that the Petitioner is put to proof of his claim that he had unblemished service record and discharged the services to the entire satisfaction of his superiors. He was, by afflux of time, upgraded under Service Linked Up-gradation Scheme, to Category-II with suffix of (SLU), which indicates that he was not promoted. The Petitioner is put to strict proof of his claim that he was very punctual and sincere in discharging his duties and also about his contention that due to certain health and medical as well as family problems the Petitioner had put in only 100 musters during the year 2006. It is to submit that the Petitioner had put in 034 musters only and not 100 during the year 2006. The Petitioner after issuance of charge sheet for his habitual absenteeism was counseled on 29.10.2007 by the area level counseling committee. Considering his assurance he was

given one month time from 01.11.2007 with an advice to put in 20 musters in the month and was also informed that if he fails to improve his attendance and performance suitable disciplinary action would be taken against him. He did put in 20 musters during November, 2007. He had put in 15 musters in December, 2007. Again he continued to remain absent to duties during the year 2008. He did not put in single muster during January, Feb., 2008 and upto 15.03.2008. The aim of counseling is to make the absentee employee understand his mistake and rectify his mistake by being regular to duties. In the present case the Petitioner from January 2007 to December, 2007 had put in the following attendances month wise.

Month & Year	No. of musters put in	No. of days Absent
January 2007	NIL	31
February 2007	NIL	28
March 2007	NIL	31
April 2007	NIL	30
May 2007	NIL	31
June 2007	20	06
July 2007	24	05
August 2007	21	04
Sept. 2007	06	03
Oct. 2007	NIL	08
Novr. 2007	20	--
Decr.2007	15	09
Total	106 + 06 days Training as per statute= 112	186

Subsequently from January 2008 to 15.03.2008 he has not put in even single muster. The above indicates the fact that the Petitioner was not consistent in attendance. Not only in the year 2007 and upto 15.03.2008 but prior to this also his attendance is not satisfactory as he had put in 102, 103, 102 and 034 musters during the years 2003, 2004, 2005 and 2006 respectively. He was an underground employee and was required to put in 190 musters per calendar year, but the attendance details indicate the fact that he was never upto the mark. The contention of the Petitioner that heeding to Petitioner's difficulty he was called for counseling for 2 times on 29.10.2007 is not correct. As already submitted counseling is done to absentee employee to make him understand the importance of job and realize his mistake and provide him an opportunity to improve his attendance. If there is considerable improvement in the attendance of an absentee employee and the attendance is found to be satisfactory and if the said absentee employee continues to attend to duties regularly without absents, lesser punishment can be awarded by the disciplinary authority. Merely working during observation period and remaining to duties unauthorizedly absent prior to counseling period and subsequent to counseling period indicates the reverence the Petitioner had towards his job/employment. It is submitted that the Petitioner had put in only 034 musters and remained absent on other days during the year 2006 which constituted misconduct under Company's approved Standing Orders No.25.25 which reads as under:

*"25.25: Habitual late attendance or habitual absence from duty without sufficient cause."*

Hence a charge sheet No.MMR/Kpet/R-06/2007/539, dated 06.02.2007 was issued to Petitioner for his habitual absenteeism during the year 2006. The Petitioner acknowledged receipt of the charge sheet but did not submit his written explanation. Hence an enquiry was fixed on 22.05.2007 and was postponed to 25.5.2007 and the Petitioner acknowledged receipt of the notice of enquiry. An enquiry into the charge leveled against the Petitioner was held by the Enquiry Officer following principles of natural justice, on 25.5.2007 wherein the Petitioner had participated fully and he was extended full and fair opportunity to defend his case. At the commencement of enquiry proceedings, the Enquiry Officer had explained the enquiry procedure to the Petitioner. At the commencement of the enquiry proceedings itself the Petitioner admitted his mistake and pleaded guilty of the charge leveled. When offered the assistance of defense assistant, the Petitioner refused the same. He conveyed his no objection for holding the enquiry proceedings in English as Enquiry Officer was explaining him the recorded matter in Telugu and he affixed his signature on the proceedings without raising any objection or protest. During the course of enquiry, the management witnesses had produced paid pay sheets and H-Registers for the year 2006 which indicted the attendance, leaves availed and absents of the Petitioner and the same were found to be correct by the Enquiry Officer



and when explained the details by the Enquiry Officer, the Petitioner without raising any objection or lodging any protest affixed his Signature accepting that the entries recorded in these records are correct. In his deposition before the Enquiry Officer, the Petitioner stated that he was appointed in the year 1993 and was working as General Mazdoor at Kasipet Mine: that he could not attend for his duties regularly and remained absent for duty on the dates as mentioned in the charge sheet due to family problems; that due to some family clashes his wife left him and went to her native place which upset him mentally and hence he was not able to attend duties regularly and pleaded guilty of the charges leveled against him. He admitted categorically that it was his mistake and that he worked only 34 days during the year 2006 and remained absent on other working days unauthorizedly and assured to be regular to duties. His statement was also read over and explained to the Petitioner in Telugu and the Petitioner having satisfied that the same was recorded correctly affixed his signature without any objection. The Enquiry Officer had extended the opportunity of cross examining the management witnesses, to the Petitioner, but he did not avail the same. Thus it is evident that the enquiry proceedings were held fairly duly following principles of natural justice. The contentions of the Petitioner that the alleged acts of the Petitioner according to the respondent were condoned and counseling was done and that the Petitioner was not capable to oppose the mighty management and meekly complied as though he committed grave errors and inspite of that respondent initiated disciplinary action and issued charge sheet are totally incorrect and hence the same are denied. The Petitioner remained absent unauthorizedly during the year 2006 which constituted misconduct under Company's Standing Orders No.25.25 and hence he was issued charge sheet under Company's Approved standing Orders for which he did not bother to give reply. After issuance of charge sheet and completion of enquiry proceedings the Enquiry Officer held the Petitioner guilty of the charge leveled against the Petitioner on the basis of recorded evidence and admission of the Petitioner. The Petitioner was supplied a copy of the enquiry proceedings and report vide letter No.MMR/PER/D/072/5559, dated 25.10.2007 to enable the Petitioner to submit his representation against the findings of the Enquiry Officer within seven days. The Petitioner though received the same did not make any representation against the findings of the Enquiry Officer. After a lapse of 3 years and 8 months from the date of holding enquiry proceedings, the Petitioner is making false and fabricated allegations. He was counseled after completion of enquiry and on receipt of enquiry report, by the Area Level Committee and was given one month time from 01.11.2007 vide letter dated 01.11.2007. Counseling was done to make the Petitioner realize his mistake and correct himself by being regular to duties which does not mean that his unauthorized absenteeism was condoned. During the enquiry the Petitioner himself admitted his mistake and pleaded guilty of the charge leveled and he did not raise any objection over the conduct of enquiry proceedings a did not submit his objections over the findings of the Enquiry Officer and hence his contention that he meekly complied as though he committed grave errors and despite that management initiated disciplinary action and issued charge sheet is totally incorrect and tantamount to misrepresentation of facts. It is submitted that as alleged, no make show enquiry was conducted and the Petitioner is put to strict proof of his allegation. If his allegations are correct, nothing had prevented the Petitioner from submitting his objections on the conduct of enquiry and on the findings of the Enquiry Officer when he was supplied copy of enquiry proceedings and report. The Petitioner is put to strict proof of his allegation that when the Petitioner submitted the explanation in Telugu it was received by the respondent management and no acknowledgement was given to the Petitioner. Hence, his allegation that he was not given sufficient time is also false and far from truth and hence the same is denied. The further allegations of the Petitioner that when he wanted to hand over the explanation to Ms. B.Nicholas Dy.Personnel Manager, she asked him to hand over the same to her P.A. Sri Nageshwar Rao (Acting P.A) and that the said PA refused it when the Petitioner gave, are all false and concocted for the purpose of filing the present petition. If these allegations are considered to be correct for a while without admitting the same as true, nothing had prevented the Petitioner to put forth the above points before the disciplinary authority when he was supplied a copy of enquiry report and proceedings vide letter dated 25.10.2007 wherein it was informed to the Petitioner that he did not submit his written explanation to the charge sheet. The other contentions of the Petitioner that the enquiry was conducted in one sided manner and not allowed the representative to participate and plead on behalf of the Petitioner are also false and baseless allegations and the Petitioner is put to strict proof of his allegations. The further allegation of the Petitioner that he was dismissed w.e.f. 15.3.2008 on the basis of one sided version of management contrary to record is also far from truth and hence the same is denied. In the enquiry proceedings the management witnesses submitted recorded evidence of paid pay sheets, for 12 months from January to December, 2006 and Leave Register for the year 2006 which indicated the true picture of the attendance, absenteeism and leaves of the Petitioner and the Petitioner also satisfied himself after verifying these records and affixed his signature on the enquiry proceedings admitted that the entries in the said records are correct. It is true that the Petitioner submitted an appeal to the Appellate Authority vide his appeal dated 26.8.2009 and the same was replied vide letter No.CRP/PER/IR/D/92/ 2461, dated 13.10.2009. The Petitioner filed a petition dated 27.6.2008 before the Asst. Labour Commissioner (Central), Ramagundam, even before his representation to appellate authority. It is true that he made a representation dated 12.6.2008 to the General Manager (Personnel) Kothagudem who is not the appellate authority. The conciliation proceedings before the Conciliation Officer had ended in failure on 24.11.2010. It is to submit that in the present case, the conciliation officer submitted the failure of conciliation report to Govt. of India, Ministry of Labour only on 19.04.2011 and the Petitioner even before completion of 3 months time filed the present petition before this Hon'ble court on 09.02.2011. Thus the present petition is liable to be dismissed on this count. The contention of the Petitioner that the action of the respondents in dismissing the Petitioner with effect from 15.03.2008 and confirming the same in appeal on 26.8.2009 is arbitrary, illegal, beset with

material irregularities and bad in law, is totally incorrect hence, the allegation of the Petitioner is denied. The penalty of dismissal was imposed only after going into the attendance of the Petitioner from 2003 to the date of dismissal. The Petitioner was an underground employee and was required to put in 190 musters per year, but in no calendar year from 2003 to 2007 he achieved this. His attendance is far below the bench mark. He had put in 102, 103, 102, 103 and 112 musters during the years 2003, 2004, 2005, 2006 and 2007 with an average attendance of 90 musters per year against probable working days of 302 to 305 per calendar year. This establishes the fact that the Petitioner was a chronic absentee employee & was never regular to duties. As already submitted, the Petitioner's attendance over a period of 5 years from 2003 to 2007 is averaging 90 musters per year, the Petitioner was counseled and was advised to improve his attendance but it was the Petitioner who failed to realize his mistake and also failed in improving his attendance. Inference can be drawn that the Petitioner feeling himself regular by putting around 100 musters per calendar year which is not correct. Being an underground employee he was expected to put in 190 musters per calendar year. Further, the Petitioner cited different reasons for his absence; during the enquiry he cited family problems and in the present petition before this Hon'ble Court he cited certain health and medical as well as family problems, but none of these causes are supported by any documentary evidence. Further it becomes his bounden responsibility to communicate his inability to attend to duties to the unit authorities which he did not do; he did not obtain sanction of leave to his credit for the absents; if no leave was there to his credit the Petitioner ought to have applied for sanction of leave on loss of pay which too he did not do; if his health was not permitting him to attend to duties he ought to have reported sick in Colliery Hospital for treatment which also he did not do. Out of 14 years of service, he was not regular to duties continuously for 5 years and yet claims that the penalty of dismissal was shockingly disproportionate. The contention of the Petitioner that respondent condoned absenteeism of several employees but not that of the Petitioner as he has not influence of political, financial or any other sort thus discriminated the Petitioner is totally denied and the Petitioner is put to strict proof of the same. Penalties can be imposed on case to case basis, depending upon the merits of the case concerned. While imposing the penalties, the disciplinary authority shall examine past record, improvement after issuance of charge sheet, consistency in attendance, hospital sickness in colliery hospitals etc., but not on the grounds of political, financial or any other influences. It is submitted that the Petitioner is making contradictory submissions. The Petitioner's contention that minimum musters of 100 are required in a given year too is not correct. As per Mines Act, an underground employee is required to put in 190 musters per calendar year. It is submitted that the Respondent Company has been running Dispensaries, Area Hospitals and also Main Hospital to extend medical facilities not only to the employees but their dependents. It also refers the patients to Super specialty Hospitals at Hyderabad for better medical aid, as per the necessity of the case. In such situation, there is no need for the Petitioner either to remain absent unauthorizedly from duties or to go for treatment in private hospitals. He should report in Colliery Hospitals where he could have been extended medical aid and if his ailment was so serious would have been referred to super specialty hospitals at Hyderabad and would have kept him on sick rolls. The Petitioner failed in this regard. Therefore, by the conduct of the Petitioner he invited his dismissal and profusely trying to blame the respondent management for his misdeeds. He did not inform either his inability to attend to duties or about his wife's deserting him and consequently his mental depression etc., to any of the officers of the respondent company and hence this averment is purely concocted. An underground employee earns leave with pay if his attendances in a calendar year are 190. The Petitioner did not earn leave with pay in any of the years from 2004 to 2008. An employee in the respondent company becomes eligible for Leave With Pay (Earned Leave), 11 days Casual Leave and 15 days Sick With Pay. In any organization including the respondent company leave of any type shall be sanctioned to the employee concerned if the employee concerned submits application requesting sanction of leave and without such requisition no leave can be sanctioned. Hence the contention of the Petitioner that he got 50 leaves to his credit and the respondents could have adjusted which it has not chosen to do where as for others it has done, thus adopted discriminative attitude is untenable. He got 11 days Casual Leave and 28 days of Sick with Pay to his credit as on the date of dismissal and got No Leave with Pay to his credit. He made no application for sanction of leave to his credit and this fact the Petitioner admitted on his own during cross examination in the enquiry. The Petitioner without discharging his responsibilities correctly is trying to find fault with the respondents and is claiming for adjustment of leave to his Credit against unauthorized absents without submitting application for sanction of leave. Thus he is demanding the respondent management to act in his favour though it is against the laid down procedures of the respondent company. No discriminative attitude was adopted by the respondent management in any manner whatsoever as alleged by the Petitioner. The further contention of the Petitioner that no one is called for 2<sup>nd</sup> counseling is also incorrect. The Petitioner is trying to misrepresent the counseling process. The basic aim of counseling is to make the absentee employee concerned to understand his misconduct/mistake and rectify the same by being regular to duties. Such counseling is being done at unit level and also at Area level. At area level such counseling is done by the Mine/Dept., head, Personnel Department head, Medical Officer, Union leaders. During such counseling the employee concerned along with his/her family members are explained the importance of job, ill effects of absenteeism and also elicit the causes for the absenteeism of the employee concerned and suggest remedial measures. Counseling at unit level and at area level is only for the betterment of the absentee employee but not with any mal-intention. Unit level counseling is not mandatory yet it is done by the unit authorities to motivate the employee concerned to attend to duties regularly and understand the importance of job. The allegation of the Petitioner that with an intention to remove the permanent employee only all other acts were initiated is totally incorrect and baseless allegation. If the respondent management has any

discriminative attitude and intention of dismissing absentee employee, there is no need for the respondent management to counsel the absentee employee at unit level and at area level and keeping such employee under observation. The Petitioner is required to be regular to duties not only during the observation period but subsequently also. He should attend to duties regularly even after the counseling/observation period also. In the present case the Petitioner did not put in single muster from January to May, 2007 and in October, 2007. Subsequently from January to 18.3.2008 also he got no muster. This goes to show his attitude towards employment. He wants to continue in employment for name's sake and put in around 100 musters every year and enjoy benefits like Sick Leave, Casual Leave, Company's Power & Water, Quarters, Medical Facilities, bonus, special incentives etc., without contributing anything for production and productivity. It is submitted that whatever information the Petitioner sought under Right to Information Act, 2005 was furnished to him. The musters required in a calendar year by an underground employee are 190 and not mere 100 per year. This fact is known to the employees working in underground at each mine as an underground employee becomes eligible for Leave with Pay (earned leave) only on putting 190 musters in a calendar year and also becomes eligible for Leave Travel Concession and Long Leave Travel Concession after putting in 190 musters in any of the calendar years. Thus the contention of the Petitioner that he was not informed of this provision is not correct. The respondent management did not act in vindictive manner and did not adopt unfair labour practice either in respect of the Petitioner or in respect of any of the employees of the respondent company and the Petitioner is making false allegations. The father's name of the Petitioner was correctly mentioned as "Ganapathi" in the dismissal letter. It is submitted that an underground employee in the respondent company, which is a coal mining industry, is required to put in 190 musters per year while a workman working on surface is required to put in 240 attendances per calendar year. The respondent management initiates actions against absentee employees under the clauses incorporated in the approved standing orders. To take disciplinary action, in the respondent company, every year during January, the review of work persons will be made for the previous year and identification of absentee employees will be made basing on their attendances. After identifying such absentee employees, action will be initiated against chronic absentee employees in phased manner. The contention of the Petitioner that since under RTI Act, the respondent management had informed that action would be taken against employees who put in less than 100 musters the action taken against the Petitioner is void is not correct. Had the Petitioner realized his mistake and remained regular to duties by putting 190 musters per calendar year he would not have been dismissed. Since the penalty of dismissal was imposed after holding a proper and fair enquiry duly following all principles of natural justice taking into account the attendance of the Petitioner since 2003 and as he averaged only 90 musters per calendar year against 190 musters per year, as he did not realize his mistake and continued to remain absent prior to and after the observation period, the claim of the Petitioner that dismissal is illegal and reinstate him into services with back wages and continuity of services etc., is merit less and needs no consideration. It is submitted that the Respondent's Company employs more than 67,346 persons, which includes workmen, executives and supervisors. The production results will depend upon the over all attendance and performance of each and every individual. They are inter-linked and inseparable. In this regard, if any one remains absent, without prior leave or without any justified cause, the work to be performed gets effected. Such unauthorized absence creates sudden void, which at times is very difficult to fill up, and there will be no proper planning and already planned schedules get suddenly disturbed without prior notice. That is the reason why the Respondent's Company is compelled to take severe action over the unauthorized absentees. In the instant case, the Petitioner is one such unauthorized absentee and he had put in only 034 musters during the year 2006. He was dismissed after conducting a fair enquiry, giving full opportunity to the Petitioner to defend his case and providing him an opportunity of 01 month time to improve his attendance. The Petitioner failed to rectify his mistake. As such, the Respondent's Company was constrained to dismiss the Petitioner for unauthorized habitual absenteeism with effect from 15.03.2008 vide dismissal order No.MMR/PER/D/072/08/1392, dated 02.03.2008. Therefore, prayed to dismiss the claim of the Petitioner as devoid of merit.

4. Heard arguments. Petitioner and respondent has submitted their written arguments u/s 11A of the Industrial Disputes Act, 1947. Petitioner has filed documents pertaining to information under RTI Act, 2005 and copy of charge sheet, dismissal order and replies to his RTI applications. Respondent has filed documents pertaining to enquiry, i.e., charge sheet, enquiry proceeding, enquiry report, dismissal order etc..

**5. On the basis of rival pleadings of both parties and arguments advanced, the following points emerge for determination:-**

- I. Whether the Departmental Enquiry held against the Petitioner is legal and valid?
- II. Whether the action of the Respondent Management in terminating the services of the Petitioner Sri Thota Thirupathi vide proceedings No.MMR/PER/D/072/08/1392 dated 2.3.2008, w.e.f. 15.3.2008 is justified? If so, its effect?
- III. To what relief is the Petitioner entitled?

**Findings:-**

**6. Point No.I:** The legality and validity of the Departmental Enquiry has been held legal and valid vide order dated 19.6.2017.

Thus, Point No.I is answered accordingly.

**7. Point No.II:** It is admitted fact that Petitioner joined the services of Respondent as General Mazdoor on 16.12.1993 at Kasipet Mine of M/s. Singareni Collieries Company Ltd., Adilabad District and his appointment was on compassionate appointment as his father Sri. Thota Ganapathi Ex-Tyndal, Belampalli who opted for voluntary retirement on 13-4-1993. Further, he submits that after completion of probation period as a General Mazdoor Cat.I and he was confirmed as General Mazdoor, Category-I w.e.f. 9-3-1997 and he has discharged his duties with utmost satisfaction of the respondent management without any complaint during period of 17 years of his service. Petitioner submits that for the first time in his career he was called upon and counselled on 25.5.2007 and was directed to put in 20 musters per month for a period of three months calling it a 'conditional period' and Petitioner accordingly fulfilled the instructions de hors the health personal conditions of Petitioner by putting 65 musters. Against Petitioner was counselled on 29.10.2007 second time and advised by the respondents letter to put in 20 musters in the month of November 2007 and also issued a letter on 11.12.2007 that Petitioner complied with. Petitioner claims that all the alleged acts of the Petitioner were condoned after counseling. But inspite of that, Respondent initiated disciplinary action against him issuing a charge sheet dated 6.2.2007 alleging that Petitioner is 'habitually absented' from duty in the year 2006 and attended only 35 days. It is alleged in charge sheet that Petitioner without getting any leave sanctioned or sufficient cause remained absent from duty and the details are given as below:

Jan.2006:	Dates 1 to 4 and 6 to 31.
Feb. 2006:	Dates 1 to 28.
March 2006:	Dates 12 to 31.
April 2006:	Dates 1 to 30.
May 2006:	Dates 2 to 31.
June 2006:	Dates 1 to 7, 10, 14, 16 to 30.
July 2006:	Dates 1 to 17, 19 to 31.
Aug. 2006:	Dates 1 to 31.
Sep. 2006:	Dates 1 to 5, 9, 13, 14, 27.
Oct. 2006:	Dates 6, 14 to 31.
Nov. 2006:	Dates 1 to 30.
Dec. 2006:	Dates 1 to 31.

Further Petitioner submitted that a make show enquiry was conducted by the Respondent and without giving sufficient time, Petitioner was asked to give explanation and Petitioner submitted his explanation and wanted to hand over it to Smt.B.Nicholas DYPM whereas she asked him to get it received to P.A. then, he gave it, Sri.Nageswar Rao (acting PA) and the Petitioner was under bonafide impression that P.A. will place the same on the record. Petitioner participated in the enquiry conducted at Kasipet Mine office but the entire enquiry was conducted in one sided manner and he was not allowed the representative to participate and plead on behalf of himself and enquiry was concluded. The enquiry proceedings dated 25.5.2007 was forwarded to Petitioner and basing on the one sided version of the respondent management contrary to record, Petitioner was dismissed from service with effect from 15.03.2008. Thereafter Petitioner preferred an appeal and same was dismissed vide order dated 13.11.2009.

10. The Petitioner has challenged his dismissal order dated 15.3.2008 passed by Respondent Management on several grounds which we will deal and answer one by one in the succeeding paragraphs.

11. Firstly, Petitioner has taken the plea that the dismissal of the Petitioner from service vide order dated 15.3.2008 and confirmed the same in the appeal vide order dated 26.8.2009 is arbitrary, illegal, beset with material irregularities and bad in law. Because domestic enquiry was conducted onesided and contrary to the principles of natural justice and no opportunity was given to him or correct muster record was looked into, therefore same is liable to be set aside. On the other hand, Respondent denying the allegations of the Petitioner as incorrect, contended that the penalty of dismissal was imposed only after going into the attendance of the Petitioner from the year 2003 to the date of dismissal. The Petitioner was an underground employee and was required to put in 190 musters per year. But in no calendar year from 2003 to 2007 he achieved it. Respondent further contended that his attendance was far below from the bench mark whereas he had put in 102, 103, 102, 104 and 112 musters during the years 2003, 2004, 2005 2006 and 2007 respectively, with an average attendance of 90 musters per year against probable working days

of 302 to 305 per calendar year. This establishes the fact that the Petitioner was a chronic absentee employee and was never regular of his duties. The averment of the Petitioner that the enquiry was conducted one sided and contrary to principles of natural justice as no opportunity was given or the correct muster record was looked into, these allegations are denied and they are devoid of merit. Since the enquiry proceeding was conducted following the principles of natural justice and Enquiry Officer had given every opportunity to the Petitioner to present his case even extended the services of defence assistant, cross examine the witnesses of Management, verify the records produced by the Management witnesses, explained the enquiry proceeding before commencing proceedings, explained the recorded matter in Telugu, from time to time but the Petitioner did not avail any of such opportunities extended to him. Further Respondent contended that during the cross examination of the Petitioner by the Management witness, Petitioner had categorically admitted that he remained absent from duty on all the dates and periods mentioned in the charge sheet and got no sanctioned leave for those dates and periods and was absent unauthorizedly due to family problems, and also admitted that he did not give any intimation to Company about his absence from duty and also pleaded guilty of the charges levelled against him.

12. It would be pertinent to note here that Departmental Enquiry has been held legal and valid vide order dated 19.6.2017, therefore, the plea of the Petitioner that during the enquiry proceeding principles of natural justice was not followed and he was not afforded reasonable opportunity of hearing is untenable. Further more, the perusal of record pertaining to Departmental Enquiry goes to reveal that during the proceeding of the enquiry charge sheeted employee examined himself as a witness and in his cross examination he has admitted that he remained absent from duty on all dates and periods mentioned in the charge sheet and he has no sanctioned leave for those dates and periods and he was absent unauthorizedly due to family problems. He also admits in his statement that he did not give any intimation to the Company about his absence from duty and he pleads guilty of the charges made against him. However, he did not submit any plausible explanation for unauthorized absence from duty for a such long period in the year 2006 for 156 days whereas he is required to complete 190 musters of the duty as underground workman as per law and Company Standing Orders. Due to his unauthorized absence from work Respondent Company suffered bitterly in production. Therefore, in such circumstances, his plea that the order of dismissal passed by Respondent Management is arbitrary, illegal and without affording the opportunity of hearing is not acceptable.

13. Secondly, Petitioner has taken the plea that Disciplinary Authority as well as Appellate Authority has not looked into the past record of the Petitioner before passing the impugned order of dismissal and the same is shockingly disproportionate. On the other hand, Respondent contended that the said plea of the Petitioner is far from truth and fabricated for the purpose of filing the present petition. The plea of the Petitioner is denied as it is void of merit. Further, Respondent contended that since the Petitioner had categorically admitted that he remained absent unauthorizedly on the dates and periods mentioned in the charge sheet, without sanctioned leave. The plea of family problems, has not been explained and proved by the Petitioner in the enquiry and he has pleaded guilty of the charges levelled against him. Moreover, Petitioner's attendance over a period of five years from 2003 to 2007 was seen and his average musters was 90 musters per year. The Petitioner was counselled and was advised to improve his attendance but the Petitioner failed to realize his mistake and also failed in improving his attendance. Being an underground employee, Petitioner is expected to put in 190 musters per calendar year as per Mines Act. The Petitioner while not fulfilling his responsibility and not being regular to attend his duties has been trying to project himself as an innocent. During his service period, he was not regular for duties continuously for five years. Therefore, the plea of the Petitioner that the punishment of his dismissal was shockingly disproportionate is not tenable. The record of the enquiry proceeding further goes to reveal that Petitioner remained absent from duties unauthorizedly in 2006 without sanctioned leave or sufficient cause, in contravention of the Company's Standing Orders No.25.25 and in the year 2006 he had worked only for 34 days. As per rule, he has to work for 190 musters in a calendar year. The charge sheeted employee was served with charge sheet for the unauthorized absenteeism in the year 2006 without sanctioned leave or intimation. After conducting the enquiry following rules principles of natural justice, Petitioner was found guilty in the enquiry and on the basis of the findings of the Enquiry Officer, the Disciplinary Authority has passed the dismissal order dated 2.3.2008 of the Petitioner from service. The Disciplinary Authority is not under obligation or duty bound to take into consideration the past good or bad conduct of Petitioner while passing the order of punishment. He has to form opinion on the basis of gravity and seriousness of the charges in the enquiry and to pass order accordingly. Therefore, the plea of the Petitioner that the Respondent Disciplinary Authority has not taken into consideration the past conduct of the Petitioner is not acceptable. However, contents of the counter filed by the Respondent reflects that the Petitioner had been habitually absent without any sanctioned leave from the duty in the period from 2003 to 2008. Thus, the Petitioner was rightly held guilty of the charge of the contravention of Standing Orders No.25.25.

14. Further, Petitioner has taken the plea that Respondent has condoned absenteeism of other employees, but not that of the Petitioner, as no influence of political, financial or any other sorts, thus, discriminating the Petitioner. the Respondent has denied the said allegation of the Petitioner and contended that Petitioner is put to strict proof of the same. The Respondent further contended that penalties on the workman are imposed on case to case basis, depending upon the merits of the case concerned. While imposing the penalties, the disciplinary authority shall

examine past record, improvement after issuance of charge sheet, consistency in attendance, hospital sickness in colliery hospitals etc., but not on the grounds of political, financial or any other influences. Petitioner has not produced any cogent, reliable evidence to prove his plea that in the case of absenteeism of other employees, the Respondent has condoned the conduct of those workmen and has done discrimination in the case of the Petitioner. Therefore, the plea of the Petitioner is not tenable in this respect.

15. Further, the Petitioner argued that Respondent Management examined the musters for the previous years before taking any action of the concerned employees and minimum musters of 100 were required in a given year that Petitioner has fulfilled. Thus, he had put in musters, 102, 103, 102, 34, and 112 in the years 2003, 2004, 2005, 2006 and 2007 respectively and during the year 2006 Petitioner's musters are only 34, based on which he was charge sheeted, enquiry conducted and dismissed in 2008. Petitioner submits that in the year 2006, because of health, family problems as well as personal problems, Petitioner suffered deep shock; undergone mental agony as his wife deserted him and left so he went into depression and not in a position to do anything, and consequently could not keep the Management informed about his mental condition which he informed orally to all the officers concerned. On the other hand, Respondent contended that Petitioner's contention of minimum musters of 100 in a given year is not correct. As per Mines Act, an underground employee is required to put in 190 musters, but the Petitioner did not fulfill this condition for five years continuously as he has put in 102, 103, 102, 34 and 112 musters during the years 2003, 2004, 2005, 2006 and 2007 respectively which is not according to law. Further, Respondent contended that Petitioner's plea that because of ill-health and family problems as well as personal problems he suffered deep shock, undergone mental agony as his wife deserted him and left so he went into depression and absented from duty is not tenable as the Petitioner is put to strict proof of the same. Respondent Company is maintaining dispensaries, Area hospitals and also main hospital to extend medical facilities not only to the employees but to their dependents also. It also refers patients to Super specialty hospitals at Hyderabad in such circumstances and there is no ground for the Petitioner either to remain absent unauthorizedly from duties or to go for treatment in private hospitals. He should have reported in Colliery hospitals where he could have been extended medical aid and if his ailment was so serious would have been referred to super specialty hospitals at Hyderabad but Petitioner failed to examine himself in the Company hospital and could not produce any plausible in this regard. Therefore, conduct of the Petitioner in contravention of Company Standing Orders No.25.25 he himself invited his dismissal and profusely trying to blame the Respondent Management for his misdeeds. Further, Respondent contended that Petitioner did not inform either his inability to attend his duties or about his wife's deserting him and consequently his mental depression etc., to any of the officers of the Respondent Company and hence, his averment is purely concocted.

16. Admittedly, as per the provision of Mines Act, an underground employee has to put in 190 musters per calendar year but the Petitioner has put in much less musters as compared to the standard of 190 musters in a calendar year continuously in the years 2003, 2004, 2005, 2006 and 2007. Petitioner has taken the plea regarding health and family problems as well as personal problems and mental agony due to that he was not in a position to attend duties, but he has not produced any documentary evidence or medical certificate to establish his plea or submitted plausible explanation for his unauthorized absence from duty. Even during the enquiry he failed to produce any evidence in this respect. However, he has admitted the fact that he was unauthorizedly absent from duties without sanctioned leave for the period mentioned in the charge sheet. He has stated in his statement during the enquiry proceeding that due to family problems he was absent on the said dates from the duty but he did not mention about the family problems nor produce any evidence before Enquiry Officer in this regard. Therefore, plea of the Petitioner in this regard is not acceptable.

17. However, Respondent contended that counseling was done with a view to make the Petitioner realize his mistake and attend to duties regularly at least from the date of counseling. The Petitioner is required to be regular to his duties not only during observation period but subsequently also. During November, 2007 he had put in 20 musters it does not mean that he was regular to his duties. He should attend to duties regularly even after the counseling / observation period also. Respondent contended that in the present case the Petitioner did not put in single muster from January to May, 2007 and in October, 2007. Subsequently from January to 18.3.2008 also he got no muster. This goes to show his attitude towards employment. He wants to continue in employment for name's sake and put in around 100 musters every year and enjoy benefits like sick leave, casual leave and Company's power & Water, Quarters, medical facilities, bonus, special incentives etc., without contributing anything for production and productivity. The enquiry was held following all the principles of natural justice and it was not held in one sided manner and he can not prove the same. The perusal of the record goes to reveal that the Petitioner has not observed any rules and regulations of the Company and plea of the Petitioner that after counseling of the workman his past conduct has to be condoned is not acceptable as no rules or Company Standing Orders provides such provision. Petitioner has indicated only the period of counseling but fulfilling the musters as advised to him, but he did not mention that the rest of the period as alleged by the Respondent in his para 7 of the counter as the Petitioner failed to put in single muster from January to May, 2007 and October, 2007 and subsequently from January to 18.3.2008. Further more, the basic aim of counseling is to provide a chance to the workman to reform his conduct and advised to be regular for duty in future but despite the twice counseling of the Petitioner he did not reform himself and remained absent unauthorizedly from duty for a number of days in contravention of the provision of Mines Act and also in violation of the Company's Standing Orders No.25.25.



18. Further Petitioner submitted that he is a poor person having family poverty stricken and suffering with hunger and there is no heady way to live and no other alternative source of living or employment and old aged parents wife and children are fully dependent upon this Petitioner. In this regard Respondent contended that the Petitioner himself was responsible for his poverty, suffering and had the Petitioner realized his mistake of not maintaining 190 musters per calendar year, he would not have faced all these alleged troubles and for his own mistakes he can not blame the Respondent since the penalty of dismissal has been imposed after duly following the principles of natural justice taking into consideration the attendance of the Petitioner since 2003 and average musters of 190 per calendar year, as per provisions of Mines Act. But Petitioner did not realize his mistake and continued to remain absent prior to counseling and during observation period. The claim of the Petitioner that enquiry was conducted in violation of principles of natural justice etc., are not tenable.

19. As the record goes to reveal that Petitioner was found habitual absentee unauthorizedly from duty continuously in the years 2003, 2004, 2005, 2006 and 2007 and he did not put in required musters of 190 days in any calendar year, and Respondent Management suffered in production and productivity of the Company due to the conduct of the Petitioner. Although, number of opportunities have been provided to the Petitioner by the Respondent Management to improve and reform his conduct by counseling twice, but the Petitioner remained stubborn and did not heed the advice and counseling. Therefore, the Respondent Management was left with no alternative but to dismiss the Petitioner from services. In such circumstances, the dismissal order of the Petitioner cannot be said to be disproportionate and it is commensurate to the charges framed against him.

In this context Hon'ble Supreme Court of India has laid down the principle in the case of **State of U.P. V. Ashok Kumar Singh 1996 (1) SCC 302, wherein the Apex Court had held:-**

*"Having notices the fact that the first respondent has absented himself from duty without leave on several occasions, we are unable to appreciate the High Court's observation that 'his absence from duty would not amount to such a grave charge. Even otherwise on the facts of this case, there was no justification for the High Court to interfere with the punishment holding that 'the punishment does not commensurate with the gravity of the charge' especially when the High Court concurred with the findings of the Tribunal on facts. No case for interference with the punishment is made out."*

Similarly, in the case of **North Eastern Karnataka R.T. Corpn. v. Ashappa decided on 12 May, 2006 wherein, the Apex Court had held:-**

*"Remaining absent for a long time, in our opinion, cannot be said to be a minor misconduct. The Appellant runs a fleet of buses. It is a statutory organization. It has to provide public utility services. For running the buses, the service of the conductor is imperative. No employer running a fleet of buses can allow an employee to remain absent for a long time. The Respondent had been given opportunities to resume his duties. Despite such notices, he remained absent. He was found not only to have remained absent for a period of more than three years, his leave records were seen and it was found that he remained unauthorizedly absent on several occasions. In this view of the matter, it cannot be said that the misconduct committed by the Respondent herein has to be treated lightly."*

In another case, **Delhi Transport Corporation v. Sardar Singh [(2004) 7 SCC 574], the Apex Court held:**

*"11. Conclusions regarding negligence and lack of interest can be arrived at by looking into the period of absence, more particularly, when same is unauthorized. Burden is on the employee who claims that there was no negligence and/or lack of interest to establish it by placing relevant materials. Clause (ii) of para 4 of the Standing Orders shows the seriousness attached to habitual absence. In clause (i) thereof, there is requirement of prior permission. Only exception made is in case of sudden illness. There also conditions are stipulated, non-observance of which renders the absence unauthorized."*

Similarly, in **State of U.P. v. Sheo Shanker Lal Srivastava and Others [(2006) 3 SCC 276]**, it was opined that the Industrial Courts or the High Courts would not normally interfere with the quantum of punishment imposed upon by the Respondent stating :-

*"It is now well-settled that principles of law that the High Court or the Tribunal in exercise of its power of judicial review would not normally interfere with the quantum of punishment. Doctrine of proportionality can be invoked only under certain situations. It is now well-settled that the High Court shall be very slow in interfering with the quantum of punishment unless it is found to be shocking to one's conscience."*

In the case of **Maharashtra State Road Transport Corporation Vs. Dilip Uttam Jayabhay, the 2022 LLR page 126, wherein the Hon'ble Apex Court have held:**

*"once the enquiry finding is held to be fair and proper, industrial Tribunal or Labour Court lacks jurisdiction to interfere with the quantum of punishment unless the same is shockingly disproportionate to the gravity of conduct."*

Thus, in view of the fore gone discussion and Law laid down by the Hon'ble Apex Court, I am of the view that action of the Respondent Management in dismissing the services of the Petitioner is legal and justified.

Thus, Point No.II is answered accordingly.

20. **Point No.III:** In view of the finding given in Points No.I & II, the Petitioner is not entitled to any relief and this petition is found to be baseless, hence, liable to be dismissed.

This Point is answered accordingly.

#### AWARD

The action of the General Manager, M/s. Singareni Collieries Company Ltd., Mandamarri Divn. Adilabad Distt., in dismissing the services of Sri Thota Thirupathi Ex-General Mazdoor of Kasipeta Mine of SCCL, Mandamarri Divn., with effect from 15.3.2008 is held legal and justified. The workman is not entitled to any relief as prayed for. Hence, petition is dismissed. Reference is answered as above.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected and signed by me on this the 8<sup>th</sup> day of January, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner  
NIL

Witnesses examined for the  
Respondent  
NIL

Documents marked for the Petitioner  
NIL

Documents marked for the Respondent  
NIL

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 316.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार नेशनल एविएशन कंपनी ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 13/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08/02/2024 को प्राप्त हुआ था।

[सं. एल-11012/01/2009-आई.आर. (सी.एम-1)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 316.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2009) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **National Aviation Company of India Ltd** and their workmen, received by the Central Government on **08/02/2024**.

[No. L-11012/01/2009 – IR (CM-I)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 29<sup>th</sup> day of December, 2023

**INDUSTRIAL DISPUTE No. 13/2009**

Between:

The President,

Airport's Contract Labour Society,

Qtr.No.T-33/1, Airport Colony,



Hyderabad Airport, Begumpet,

Hyderabad.

.....Petitioner

AND

1. The Executive Director(Training)  
NACIL, Central Training Establishment,  
Stimulator Complex,  
Hyderabad.

2. Sri A. Maisaiah,  
Plot No.24 & 25, Aruna Society,  
Jayanagar Colony, Opp: KPHB,

Kukatpally, Hyderabad.

... Respondents

Appearances:

For the Petitioner : M/s. Ch. Indra Sena Reddy & A.Narasimha, Advocates

For the Respondent:M/s. K. Srinivasa Murthy, V. Umadevi & M.V.L. Narsaiah, Advocates

### AWARD

The Government of India, Ministry of Labour by its order No.L-11012/01/2009-IR(CM.I) dated 18.3.2009 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of NACIL and their workmen. The reference is,

### SCHEDULE

“(i)Whether the contract between the Management of M/s National Aviation Company of India Limited, Hyderabad (A.P.) and contractor Sri A. Maisaiah is sham and bogus? ii) Whether the demand of Airport’s Contract Labour Society for reinstatement and regularization of Shri B. Arvind Chary and 27 others (list annexed) in M/s National Aviation Company of India Limited is legal and justified? iii) To what reliefs are the workmen concerned entitled?”

The reference is numbered in this Tribunal as I.D. No. 13/2009 and notices were issued to the parties concerned and the Petitioner entered appearance. Petitioner filed claim statement and Respondent filed counter statement.

2. Case is fixed for Petitioner’s evidence. But since last many dates of hearing Petitioner is absent. Despite sufficient opportunity granted to him Petitioner did not adduce his evidence in support of his claim. It appears that he do not want to prosecute his case any further. His claim statement has not been substantiated by any cogent evidence. Petitioner is not putting his presence since 2019. It thus becomes crystal clear that the petitioner seems to be not interested in pursuing his case. As such, a ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant, corrected by me on this the 29<sup>th</sup> day of December, 2023.

IRFAN QAMAR, Presiding Officer

### Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

### Documents marked for the Petitioner

NIL

### Documents marked for the Respondent

NIL

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 317.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार खाद्य निगम भारत के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह — श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 108/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/38/2010-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 317.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 108/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation India** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22011/38/2010 – IR (CM-II)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 108/2011

Registered on:-21.02.2011

Sh. Gurdit Singh, S/o Sh. Kartar Singh, R/o Ward No.2, Simbal Camp, Jammu.

.....Workman

#### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

#### AWARD

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/38/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Gurdit Singh S/o Shri Kartar Singh R/o Ward No.2, Simbal Camp, Jammu (J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Gun man in the year 1995 initially on contractual basis in the Food Corporation of India at its Regional and District Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the

workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 318.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 107/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/35/2010-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 318.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.107/2011) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/02/2024.

[No. L-22011/35/2010 – IR (CM-II)]

MANIKANDAN N., Dy. Director

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,**  
**CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 107/2011

Registered on:-21.02.2011

Sh. Parth Singh S/o Amar Singh, R/o Karnalu Chak, P.O. Satwari, Tehsil & District Jammu.

.....Workman

**Versus**

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

**AWARD**

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/35/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Pharat Singh S/o Sh. Amar Singh R/o Karnalu Chak, Post Office Satwari, Tehsil & Distt. Jammu (J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1995 initially on contractual basis in the Food Corporation of India at its Regional Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 319.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह — श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 109/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/26/2010-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 319.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 109/2011) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**

[No. L-22011/26/2010 – IR (CM-II)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 109/2011

Registered on:-21.02.2011

Sh. Ghan Shyam S/o Late Sh. Badri Nath, R/o H.No.541, Lane No.11, Shakti Nagar, Jammu.

.....Workman

#### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.

2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

#### AWARD

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/26/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Ghan Shyam S/o Sh. Badri Nath Gulado Ram, R/o House No.541, Sector 11, Shakti Nagar,**

**Jammu (J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Officer in the year 1995 initially on contractual basis in the Food Corporation of India at its Regional Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 320.—**औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह — श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 114/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/31/2010-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक



New Delhi, the 12th February, 2024

**S.O. 320.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 114/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22011/31/2010 – IR (CM-II)]

MANIKANDAN N., Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.114/2011

Registered on:-21.02.2011

Sh. Kaushal Singh, S/o Sh. Anant Singh, R/o Ratnuchak, Jammu.

.....Workman

**Versus**

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

**AWARD**

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/31/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Kaushal Singh S/o Sh. Anant Singh R/o Ratnuchak, Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1994 initially on contractual basis in the Food Corporation of India at Regional Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of



the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 321.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 105/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/36/2010-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 321.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 105/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**

[No. L-22011/36/2010 – IR (CM-II)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 105/2011

Registered on:-21.02.2011

Sh. Butti Ram S/o Sh. Chandu Ram, R/o Morchapur, Tehsil Bishnah, District Jammu.

.....Workman

#### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.

2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

**AWARD****Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/36/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Butti Ram S/o Sh. Chandu Ram R/o Morchapuar, Tehsil Bishnah, Distt. Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1996 initially on contractual basis in the Food Corporation of India at District Office and Gowdown at Nagrota, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 322.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 106/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/37/2010-आई.आर. (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 322.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.106/2011) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22011/37/2010 – IR (CM-II)]

MANIKANDAN N., Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.106/2011

Registered on:-21.02.2011

Sh. Krishan Lal, S/o Sh. Sain Dass, R/o Village Chak Sardar Attar Singh, Jammu.

.....Workman

#### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

#### AWARD

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/37/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Krishan Lal S/o Shri Sain Dass R/o Chak Sardar Attar Singh, Jammu (J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?”**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1995 initially on contractual basis in the Food Corporation of India at its Regional and District Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 323.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 110/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/27/2010-आई आर (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 323.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 110/2011) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/02/2024.

[No. L-22011/27/2010- IR (CM-II)]

MANIKANDAN N. , Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

Present: Mr. Kamal Kant, Presiding Officer.

ID No.110/2011

Registered on:-21.02.2011

Sh. Milkhi Singh, S/o Sh. Jaggu Ram, R/o Chatha Gujrain(P.O. Halka Marh), Tehsil & District Jammu.

.....Workman

**Versus**

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

**AWARD**

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/27/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Milkhi Singh S/o Shri Jaggu Ram R/o Gujrain, Tehsil, Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

6. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1997 initially on contractual basis in the Food Corporation of India at its Regional and District Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

7. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

8. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

9. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

10. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 324.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 101/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/22/2010-आई आर (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 324.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 101/2011**) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22011/22/2010- IR (CM-II)]

MANIKANDAN N. , Dy. Director

### ANNEXURE

**In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.101/2011

Registered on:-24.01.2011

Sh. Mohan Singh, S/o Sh. Mail Singh, R/o Village Kalian, P.O. Mandal, Tehsil & District Jammu.

.....Workman

### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

### AWARD

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/22/2010-IR(CM-II), Dated 03.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Mohan Singh S/o Shri Mail Singh R/o Kalian, Post Office Mandal, Tehsil and District Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1996 initially on contractual basis in the Food Corporation of India at its Regional Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the



workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 325.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार आद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 103/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/29/2010-आई आर (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 325.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 103/2011) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/02/2024.

[No. L-22011/29/2010- IR (CM-II)]

MANIKANDAN N. , Dy. Director



**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,**  
**CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No.103/2011

Registered on:-21.02.2011

Sh. Som Nath, S/o Sh. Pangu Ram, R/o Chowki Chowra, Tehsil Akhnoor, District Jammu.

.....Workman

**Versus**

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Food Corporation of India, through its Regional Manager, Regional Office, Jammu.

.....Respondents/Managements

**AWARD**

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/29/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Som nath S/o Sh. Pangu Ram R/o Chowki Chora, Tehsil Akhnoor, Distt. Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?”**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1995 initially on contractual basis in the Food Corporation of India at its Regional Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is

found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 326.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 104/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/34/2010-आई आर (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 326.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.104/2011) of the **Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**

[No. L-22011/34/2010- IR (CM-II)]

MANIKANDAN N. , Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 104/2011

Registered on:-27.01.2011

Sh. Santokh Singh, S/o Sh. Kartar Singh, R/o Khan Pur, P.O. Tallab Tillo, Tehsil & District Jammu.

.....Workman

#### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

#### AWARD

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/34/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Santokh Singh S/o Sh. Kartar Singh R/o Khanpur, Post Office Talab Tillo, Tehsil & Distt. Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1995 initially on contractual basis in the Food Corporation of India at District Office and Godown at Nagrota, State of J & K. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 327.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह - श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 116/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/23/2010-आई आर (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 327.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 116/2011**) of **the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh** as shown in the Annexure, in the industrial dispute between the Management of **Food Corporation of India** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-22011/23/2010– IR (CM-II)]

MANIKANDAN N. , Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,  
CHANDIGARH.**

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 116/2011

Registered on:-21.01.2011

Sh. Sardar Chand, S/o Sh. Gulado Ram, R/o H.No.694, Ashok Nagar Satwari, Jammu.

.....Workman

**Versus**

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.
2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

**AWARD**

**Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/23/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Sardar Chand S/o Shri Gulado Ram R/o House No.694, Ashok Nagar, Satwari, Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1995 initially on contractual basis in the Food Corporation of India at its Regional Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation

of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 328.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय खाद्य निगम के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण— सह — श्रम न्यायालय नंबर 2, चंडीगढ़ के पंचाट (संदर्भ संख्या 113/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 12/02/2024 को प्राप्त हुआ था।

[सं. एल-22011/30/2010-आई आर (सी.एम-II)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 328.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 113/2011) of the Central Government Industrial Tribunal-cum-Labour Court NO 2, Chandigarh as shown in the Annexure, in the industrial dispute between the Management of Food Corporation of India and their workmen, received by the Central Government on 12/02/2024.

[No. L-22011/30/2010- IR (CM-II)]

MANIKANDAN N. , Dy. Director

#### ANNEXURE

#### IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH.

**Present: Mr. Kamal Kant, Presiding Officer.**

ID No. 113/2011

Registered on:-21.02.2011

Sh. Sat Pal Sharma, S/o Late Shiv Dutt, R/o Kahanaal, Tehsil Bishnah, District Jammu.

.....Workman

#### Versus

1. Food Corporation of India through its Senior Regional Manager, Regional Office, Jammu.

2. Regional Manager, Food Corporation of India, Regional Office, Jammu.

.....Respondents/Managements

**AWARD****Passed on:-15.11.2023**

Central Government vide Notification No.L-22011/30/2010-IR(CM-II), Dated 27.01.2011, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

**“Whether the action of the management of Food Corporation of India in terminating the services of Shri Sat Pal Sharma S/o Shri Shiv Dutt R/o Kahanaal, Tehsil Bishnah, Distt. Jammu(J&K) w.e.f. 01.10.2002 is legal and justified? To what relief the workman is entitled to and from which date?”**

1. The brief facts relevant for deciding this claim petition as per the claim of workman are that the workman was appointed as Security Guard in the year 1997 initially on contractual basis in the Food Corporation of India at its Regional and District Office, Jammu. The workman continued without any break till his termination in the month of September 2002 by the respondents illegally and wrongfully. In terms of the 2001(7) SCC pg 1, the workman is required to be regularized as the contract governing the service of the workman was found to be in genuine. The workman is well within its rights to seek absorption in the corporation in view of the fact that even after coming to know about the contractor not holding a valid license, the corporation continued with the services of the workman till his illegal termination in the year 2002. The mandatory provisions of labour laws which the respondent-corporation was under an obligation to observe have not been complied with. The services of the workman have been terminated on the pretext of his being the contract labour whereas the corporation had been paying salary directly in favour of the workman which is evident from the cheques issued by the corporation in favour of the workman on account of the salary payable to the workman. The workman was working for the respondent-management directly under its supervision and control which is evident from the fact that the management was directly making payment to the workman and was also operating and maintaining an attendance register for this purpose. The respondent-management have acted illegally on their self-contrived ideas in treating the workman as a contractual employee. The respondent-management was under a statutory obligation to put the workman herein to a prior notice and afford them with a reasonable opportunity of being heard before passing any harsh order against the workman. It is therefore most respectfully prayed that the order dated 27.09.2002 passed by the respondent-management in terminating the services of the workman without adopting due course of law be quashed.

2. The management has filed written statement, alleging therein that the workman was not appointed by the respondent-management as alleged by him but the fact is that the workman came to be engaged through H. Rehman Security Service of India a contractor for his service as security guard in Food Corporation of India and his status remained as a contractual labourer employed by the contractor and not by respondents in any case. The amount of Rs. 1500/- is the amount to be paid to the workman by the contractor and not by Food Corporation of India in terms of the written contract entered into between the contractor and the Food Corporation of India and this payment made to the workman was not the salary paid to the workman by the respondent-management. If there is some sort of violation of the licensing provisions it does not confer any right upon the workman to claim himself as an employee of the respondents. The workman was the employee of the contractor from whom respondents hired his services in FCI and he was never appointed in any capacity by the respondents. There was no relationship of employee and employer between the workman and respondent-management at any time so question of his claim as alleged in this petition does not arise at all and relief as prayed for or of like nature or otherwise cannot be granted to the workman by this Hon'ble Court. It is therefore, prayed that petition of the workman may kindly be dismissed with costs.

3. On 15.11.2023 the case was fixed for evidence of management. Learned counsel for management has submitted that no evidence of management is required as the workman has not lead any evidence and the opportunity of the workman for evidence was closed by the Predecessor of this Tribunal on 09.03.2020. On perusal of the file, it is found that the submissions made by the learned counsel for management are true. Today also none has to come to prosecute the case on behalf of the workman which shows that the workman is not interested in adjudication of the matter on merit.

4. Since the workman has neither put his appearance for long nor he has filed any evidence to prove his cause against the respondents/managements, as such, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

5. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 12 फरवरी, 2024

**का.आ. 329.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन एयरलाइंस लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, हैदराबाद के पंचाट (संदर्भ संख्या 100/2009)** को प्रकाशित करती है, जो केन्द्रीय सरकार को **08/02/2024** को प्राप्त हुआ था।

[सं. एल-11012/01/2024-आई आर (सी.एम-1)]

मणिकंदन एन., उप निदेशक

New Delhi, the 12th February, 2024

**S.O. 329.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 100/2009**) of the **Central Government Industrial Tribunal-cum-Labour Court, HYDERABAD** as shown in the Annexure, in the industrial dispute between the Management of **Indian Airlines Ltd** and their workmen, received by the Central Government on **12/02/2024**.

[No. L-11012/01/2024- IR (CM-I)]

MANIKANDAN N. , Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: - **Sri Irfan Qamar**

Presiding Officer

Dated the 14<sup>th</sup> day of December, 2023**INDUSTRIAL DISPUTE L.C.No. 100/2009**

Between:

Sri B. Srinivasa Goud,

S/o Narasimha,

R/o 3-21-229/134, Lal Bazar,

Tirumalgherry, Secunderabad.

.....Petitioner

AND

1. The Chairman and Managing Director,

Indian Airlines Limited,

New Delhi.

2. The Deputy General Manager(Personnel),

Indian Airlines Limited,

Southern Region,

Hyderabad.

3. The Transport Manager,

Indian Airlines Limited,

Southern Limited,

Hyderabad.

..... Respondents

**Appearances:**

For the Petitioner : Sri A. Nagendra Rao, Advocate

For the Respondent : M/s. K. Srinivasa Murthy, V. Uma Devi &amp; M V L Narasaiah, Advocates



### AWARD

Sri B. Srinivasa Goud who worked as Driver (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents Indian Airlines Ltd., to set aside the oral termination order issued by the Respondent and consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

That, it is humbly submitted that the Petitioner was initially appointed in the post of Driver on casual basis on 01.02.2000 of the Respondent Organization and it is established from the Identity Card No. 936 dated 03.02.2000. However, through the Proceedings No HPE/065, dated 11.9.2008 issued by the Respondent No. 2 the services of the Petitioner for engagement of Casual Driver in Transport Department from 11.9. 2008 till it is required, but subject to a maximum of 30 days, upto 10.10.2008 and accordingly, has services were terminated orally and the issue of such Proceedings, without assigning any reason or cause, which is illegal, arbitrary, discrimination and violative of the principles of natural justice and also violative of the Article 14, 16 and 21 of the Constitution of India. It is submitted that the Petitioner has discharged duties to the best of his ability and satisfaction of his superiors and every one concerned. He was appointed by the Respondent No 2 and entrusted to the Respondent No.3 for assigning duties and he was asked to attend the duties of Driver on par with regular Drivers and issued with the identity Card No. 936 dated 03.02.2000 to 28.07.2000 and extended from time to time and was paid daily wages which was enhanced from time to time and paid bonus and other facilities of ESI etc. as per the Rules in force. He has rendered continuous service with the Respondents, without break except weekly offs to which he was entitled. Respondents have created artificial breaks after completion of every 179 days only to deprive regularization to the Petitioner. It is submitted that the Petitioner was asked to sign in the attendance register maintained by the Respondents and log book is also maintained for the vehicles and he was asked to submit the log book of the vehicles to the Respondent No.3 and in his entire tenure of service, no remarks from any corner. That the Respondents have adopted unfair labour practice in giving artificial break after completion of every 179 days to deprive the regularization of the services of the Petitioner. The Respondent's Organization is Statutory Body and is bound to be model Employer, it cannot exploit the services of the unemployed youth like the Petitioner and thereafter throw them out of without following any legal principle and engaging other persons as Drivers on Casual basis without filling up the post of Drivers on regular basis by engaging unemployed youth on casual basis years together. Petitioner had to maintain a large family and by the action of the Respondents his survival is miserable. He was in fond hope for all these years that his services would be regularized any time and now he can not search for another employment at this situation of hard prone high inflation and cost of living. It is further submitted that the Petitioner is eligible and entitled for regularization of services in the post of Driver with effect from his date of joining and prayed to direct the Respondents to regularize the services of the Petitioner in the post of Driver from the initial date of appointment with all consequential benefits and attendant benefits.

**3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

It is submitted that the Petitioner is employed as a casual driver in the Respondent organization and is being provided with employment in terms of the scheme of such engagement of casuals approved by the Hon'ble AP High Court vide order dated 19/10/2001 passed in a batch of cases in Writ Petition No.1116/2001 etc. The said scheme of engagement of casuals on rotation basis is further upheld by the Division Bench of AP High Court vide order dated 10/8/2009 passed in a batch of cases in Writ Appeals No.241/2002 etc. It is further submitted that Sub Section (2) was added to section 2-A of the Industrial Disputes Act 1947, vide AP State Amendment Act No.32/87 w.e.f. 27/7/1987. As per the said sub-section, any workman as specified in sub-section (1), notwithstanding anything in Section 10 of the LD. Act, may make an application in the prescribed manner direct to the Labour Court/Industrial Tribunal, praying for adjudication of a dispute. Section 10 of the Act relates to "reference of disputes" by the Appropriate Government to Boards, Courts or Tribunals. In the matter under reference, there is neither any such reference of dispute made by the Appropriate Government to this Hon'ble Tribunal for adjudication nor is there any situation enabling the petitioner to invoke section 2-A(2) of the ID Act, for filing an application before this Tribunal. It is further submitted that the petitioner is still working as a casual driver in the respondent company in terms of a scheme approved by the Hon'ble High Court of Andhra Pradesh and there is no cause of action arose for filing this case and as such, the case as filed by the petitioner is liable to be dismissed, as not maintainable. It is submitted that Petitioner was employed for the first time as a driver on casual basis in the year 2000 to drive the vehicles belonging to the respondent company. It is submitted that the terms of employment of an individual on casual basis are very simple to the effect that it is not any fixed term employment and it is basically an employment, only on day to day basis. In other words, either the company or the concerned casual worker may discontinue the employment any day without notice or without assigning any reasons. It is further submitted that as the very term of "casual employment" denotes that individuals who are willing to accept casual employment are taken on duty by the Respondent company on requirement basis, mainly in the event of absence of regular workforce for short durations, either with or without permission. Such engagement is thus, only a contingent arrangement, occurring mainly on account of sudden absenteeism of regular workers or due to sudden increase in the work of temporary nature. It is therefore evident that

a person employed on casual basis cannot lay any claim for benefits whatsoever, much less regularization in service on the basis of such casual employment, as repeatedly held by the Hon'ble Supreme Court of India and this Hon'ble High Court of Andhra Pradesh, in umpteen number of cases. It is further submitted that the Respondent company is owned by the Central Government and functioning under the control of Ministry of Civil Aviation. It was earlier called as Indian Airlines Limited, before being merged on 27-8-2007 with a newly created company in the name of "National Aviation Company of India Limited". The petitioner was being engaged as a driver in Indian Airlines on casual basis since he was willing to work in that capacity and he was fully aware of the nature and scope of such casual employment and that he would not be entitled to any additional benefits except for payment of wages calculated on the basis of the number of days worked in a month. It is submitted that some of the casuals working in Indian Airlines had approached the Hon'ble A P High Court by filing a batch of Writ Petitions in the year 2001, seeking regularization in service. The entire batch of such cases numbering 28 in Writ Petition No.1116/2001 etc. were dismissed by the A.P.High Court vide order dated 19-10-2001, by clearly holding that no casual employee can claim regularization against a permanent vacancy. The respondent company had, however, framed a scheme for engagement of casuals on rotation basis with a view to avoid induction of fresh casuals and in order to provide equal opportunity to all those ex-casuals who are willing to take up such casual employment in the company. The petitioner is also one of such ex-casuals, who has offered his willingness for such casual employment as driver on various occasions subsequent to the year 2000. It is submitted that the Petitioner had also filed a WP No.15513/2007 before this Hon'ble Court seeking directions for regularization in a permanent vacancy as driver and also for retaining and continue him in the respective place of work. When the case came up for hearing on 23-7-2007, the counsel for the petitioner sought permission to withdraw the case and there upon the Hon'ble High Court had passed orders, dismissing the Writ Petition as withdrawn. It is submitted that the averments and allegations made by the petitioner in para-3 of the claim statement are not true. The reference cited by the Petitioner in the said paragraph is only an internal communication issued by the Respondent No.2 to Respondent No.3, directing the individual for deployment on casual basis for a specific period of 30 days or till such time the vacancy is filled up by a regular incumbent, whichever is earlier. Such internal communication cannot be quoted by the petitioner as a document in support of his claim for regularization in Service, since he was employed only as a casual driver purely on temporary basis for the period indicated in the directing letter. There was no contract of employment and it was open for the petitioner as well as the respondent company for discontinuing the said casual engagement on any day without notice or without assigning any reasons. It is submitted that the who is employed on casual basis is paid wages for the number of days of his working in the company after completion of a month, on the basis of the attendance details forwarded by section in which he was deployed. It is further submitted that the rules of the company provide for payment of contribution under ESI Act in order to provide medical facilities to such individual, though he is employed on casual basis for one day in a month. Similarly the persons employed on casual basis would also be paid bonus under the provisions of the Payment of Bonus Act, 1965. It is submitted that providing such welfare facilities to casuals by a Government company like the respondent company cannot be construed as giving to such casuals a right to seek regularization in service on permanent basis. I further submit that the method of engaging individuals on casual basis is very simple and every such individual is fully aware that he was not going to acquire any right to permanent employment, on the basis of working as casual. In view of the factual position relating to the employment of the petitioner only on casual basis on certain occasions, the petition as filed by him is liable to be dismissed on the ground that the company is still providing him with casual employment in terms of the scheme approved by the Hon'ble High Court of Andhra Pradesh. In fact, the petitioner herein has worked as a casual driver even recently, from 28-9-2009 to 26-3-2010, subsequent to filing of this petition. It is therefore evident that there is no cause of action enabling the petitioner to come before this Hon'ble Court by filing a petition for regularization, when there is no termination of service as such has taken place and that he is being employed in his own turn on rotation basis, as per the scheme approved by the Hon'ble AP High Court. It is therefore, submitted that the Petitioner has chosen to make a false representation alleging illegal termination, when the fact remains that he has worked as a Driver on casual basis upto 26.3.2010, subsequent to filing of this case. In view of the above, it is prayed that the petition as filed by the workman may be dismissed by holding it as not maintainable.

4. Petitioner has examined himself as WW1 in evidence and also filed documents, Ex.W1 identity card stated to be issued by the Respondent company. Ex.W2 is the casual engagement letter. On the other hand, Respondent has examined in evidence MW1 and has filed the copies of the orders of the Hon'ble High Court passed in various writ petitions pertaining to the present matter marked as Ex.M1 and M2..

5. Heard the argument of Learned Counsel for Petitioner as well as the Respondent. Perused the record.

**6. On the basis of rival pleadings of both the parties following points emerge for determination in the present matter:-**

- I. Whether the action of Respondent in terminating services of the Petitioner is justified? If not, whether the Petitioner is entitled to reinstatement?
- II. Whether the Petitioner is entitled to regularization in the services of Respondent?
- III. To what relief the Petitioner is entitled for?

**FINDINGS:-**

7. **Point No.I:-** Petitioner has filed claim statement with the averments that Petitioner was initially appointed in the post of Driver on casual basis on 01.02.2000 in Respondent Organization and Respondent has issued Identity Card No, 936 dated 03.02.2000. Petitioner states that vide Proceedings No. HPE/065, dated 11.9.2008 the services of the Petitioner for engagement of Casual Driver in Transport Department has been extended from 11.9.2008 till it is required, but subject to a maximum of 30 days, i.e., upto 10.10.2008 and accordingly, his services were terminated orally without assigning any reason or cause. Petitioner submits that the Petitioner was asked to sign in the attendance register maintained by the Respondents and log book is also maintained for the vehicles and he was asked to submit the log book of the vehicles to the Respondent No.3. Petitioner submitted that in his entire tenure of service, no remarks from any corner was awarded to him, but the Respondent by adopting unfair labour practice has given artificial breaks after completion of every 179 days to deprive the regularization of the services of the Petitioner. In support of his claim Petitioner has examined himself as WW1 and in chief affidavit he has supported averments of his claim statement. But in cross examination he has admitted that he was appointed as a casual employee and at the time of his joining as a casual employee Respondent issued Ex.W1- Identity card and he continued as a casual employee for 179 days. There is no document to show the same. Further, witness states that there after his services were engaged six months time with a break in between the period of said services. Further WW1 admits that even as on today he is working as casual employee. He has no idea whether in WP No.1116/2001 Hon'ble High Court of Andhra Pradesh has given directions vide order dated 19.10.2001 that, "no casual employee can claim regularization, against a permanent vacancy". Further, witness admits that he had filed Writ Petition in the year 2012. About Ex.W2 witness WW1 states that he do not know why Ex.W2 letter was given employing him only for one month. It is true that 28 casual employees of the Respondent have filed a batch of writ petitions before Hon'ble High Court and a common judgement was rendered in it. Therefore, from the aforesaid statement of the WW1, it reflects that the Petitioner was appointed in the service of the Respondent as a casual employee and he had not worked continuously for 240 days just preceding from the date of his termination. Petitioner has not filed any proof of his appointment as a casual employee i.e., appointment letter or pay slip. He has filed the document only, identity card which goes to reveal that the identity card was issued by the Respondent Management on 3.2.2000 and the validity of the said identity card was from 3.2.2000 to 28.7.2000. Thereafter, the validity of these document was continued or not, no documentary evidence has been produced by the Petitioner in this regard. Further, Ex.W2 is a letter issued by DGM(Pers), Hyderabad regarding casual engagement of the employee. This document goes to show that the Petitioner was engaged as a casual Driver in Transport Department from 11.9.2008 till it is required but subject to maximum of 30 days. It means the Petitioner was engaged again as a casual employee by the Respondent on the post of Driver on daily wages for a limited period. No other documentary evidence has been filed by the Petitioner to establish his claim of the services in the Respondent organization. Therefore, it is established that workman was engaged on daily wage basis and his engagement was only in exigency of the situation. Moreover, he had not worked in the employment of Respondent against any permanent post.

8. On the other hand Respondent contended that Petitioner was employed for the first time as a driver on casual basis in the year 2000 to drive the vehicles belonging to the Respondent Company and the terms of employment of the an individual on casual basis are very simple to the effect that it is not any fixed term employment and basically on the day to day basis. Further, Respondent contended that it was as a casual employment denotes that individuals who are willing to accept casual employment are taken on duty by the Respondent Company on requirement basis, mainly in the event of absence of regular workforce for short durations and only a contingent arrangement occurring mainly on account of sudden absenteeism of regular workers or due to sudden increase in the work of temporary nature. It is therefore, evident that a person employed on casual basis can not claim for benefits whatsoever, much less regularization in the service on the basis of casual employment. Therefore, the Petitioner while joining the employment as a casual labour was fully aware of the nature and scope of such casual employment and he would not be entitled to any additional benefit except wages on the basis of number of days in a month. In support of his contention Respondent has examined witness MW1 who has proved the contention of the Respondent made in the counter. This witness was also cross examined by the Petitioner's counsel. But nothing has been elicited in his cross examination to discredit or disbelieve the testimony of the witness. Thus, the claim of Petitioner for reinstatement into employment of Respondent is not maintainable in view of discussion in the preceding paragraph.

**In the case of Mohan Lal v. Management, BEL 1981 SCC P. 225, Hon'ble Apex Court held, "Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service." The Hon'ble Apex Court in this case also laid down the principle of how to count 240 days of service within one year and held: "Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered period of 240 days during the period of 12 calendar service for months counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained. move backward to a period of 12 months just preceding the date of retrenchment and then**

*ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"*

But the Petitioner failed to establish the fact that he had worked continuous in the service of Respondent for 240 days in a calendar year just preceding the date of termination. As he has not fulfill the condition, precedent for application of provision of Sec.25F of I.D. Act, 1947 can not seek protection against termination u/s. 25F of the Act. The further contention of the Petitioner is regarding unfair labour practice adopted by the Respondent Company by creating artificial breaks in the service of the Petitioner. The burden of proof to establish said unfair labour practice lies upon the Petitioner. Petitioner has not adduced any reliable evidence to prove the said fact of the unfair labour practice as alleged by him. It is noticed from the record and evidence of WW1 that even during the proceeding in this ID case, he has been working as casual driver in the Respondent Company. Therefore, the prayer of the Petitioner for reinstatement is not maintainable.

9. Thus, in view of the fore gone discussion, I come to the conclusion that Petitioner had worked and even working as a casual labour in the Respondent employment and the allegation of the Petitioner to terminate his service by the Respondent is not proved.

Thus, Point is answered accordingly.

10. **Point No.II:** Petitioner claims that he is eligible and entitled for regularization in the service of the Respondent organization on the post of Driver with effect from his initial date of appointment. In his chief affidavit he has not stated any ground on which basis he claims the regularization in the service of Respondent organization.

11. On the other hand, Respondent has refuted the averment made by the Petitioner regarding his regularization and has contended that some of the casual workers working in the Indian Airlines Limited had approached the Hon'ble High Court of AP by filing a batch of Writ petitions in the year 2001, seeking regularization in their service. The entire batch of 28 cases in WP No.1116/2001 etc. were dismissed by the Hon'ble High Court of AP vide order dated 19.10.2001 by clearly holding that no casual employee can claim against a permanent vacancy. Respondent further contended that the Respondent had however framed a scheme for engagement of casual labour to avoid induction of fresh casuals and in order to provide equal opportunity to all those ex-casuals who are willing to take up such casual employment in the Company. One of such ex-casuals, who has offered his willingness for such casual employment as driver on various occasions subsequent to the year 2000. Respondent further contended that Petitioner had also filed a WP No.15513/2007 before Hon'ble Court seeking direction for regularization in a permanent vacancy as driver and also for retaining and continue him in the respective place of work and on the date of hearing i.e., 23.7.2007, the counsel for the Petitioner sought permission to withdraw the case and therefore the Hon'ble High Court has passed the order dismissing the writ petition as withdrawn. In view of the submissions made by the Learned Counsel for the Respondent, I have gone through the common order passed by Hon'ble High Court of AP in WP No.1116/2001 along with other writ petitions. In the said petitions, Hon'ble High Court vide common order dated 19.10.2001 was pleased to pass the order to the following effect which is extracted below:-

*"In the circumspection of the entire legal and factual position relating to the present matter, following the decisions of the Apex Court and the Division Bench of this Court, I am of the considered opinion that the Petitioners cannot claim a right to be regularized merely on the ground that they served the Respondent Corporation for long periods. The Corporation has framed a scheme keeping in view the interest of the casuals, on the lines of the schemes so framed before the Calcutta and Madras High Courts, and I do not see any ground to interfere with the proposed scheme framed by the Respondent-Corporation. For all foregoing discussion, this Court does not intend to exercise jurisdiction under Article 226 of the Constitution of India of directing the Respondent corporation for regularization of services of the Petitioners herein."*

Thus, from the order of the Hon'ble High Court in WP No.1116/2001, it is clear that the relief of the Petitioner for regularization who has been working as casual driver with the Respondent corporation, has been denied and the scheme prepared by the Respondent corporation to provide the employment to the casual workman on rotation basis has been approved according to said scheme by the Hon'ble High Court. thereafter as per provision of Scheme Respondent has provided the employment to Petitioner as a casual Driver in the Respondent corporation on rotation basis and even on date of recording statement of Petitioner he was engaged by Respondent as casual Driver on rotation basis. This fact has been admitted by the Petitioner in his cross examination that, "even as on today I am working as casual employee." As his above statement was recorded on dated 8.4.2013 and it is established that he has not been terminated from service by Respondent. Therefore, as per scheme framed by the Respondent corporation which has been approved by the order of the Hon'ble High Court of AP, all the casual workmen including the Petitioner were being engaged in the employment of the Respondent corporation for doing temporary work as casual on rotation basis and Petitioner is also bound by the terms of the scheme. Therefore, can not claim regularization in the services of the Respondent corporation. Admittedly, the Respondent Company is wholly owned by the Central Government and functioning under the control of Ministry of Civil Aviation and it was earlier called

as Indian Airlines Limited, before being merged on 27.8.2007 with a newly created Company in the name of “National Aviation Company of India Limited” and the recruitment or appointment of the employee in the Respondent corporation can be done only under the rules and regulations of the corporation. In these circumstances, the claim of the Petitioner for regularization in the Respondent corporation is not maintainable.

In this context the decision of Hon’ble Apex Court in the case of **Hari Nandan Prasad & Anr. Vs. Employer I/R to Mangmt. Of F.C.I. &.. in Civil appeal Nos. 2417-2418/2014 SC** is relevant wherein the Hon’ble Apex Court have held:-

*“34. On harmonious reading of the two judgments discussed in detail above, we are of the opinion that when there are posts available, in the absence of any unfair labour practice the Labour Court would not give direction for regularization only because a worker has continued as daily wage worker/adhoc/ temporary worker for number of years. Further, if there are no posts available, such a direction for regularization would be impermissible. In the aforesaid circumstances giving of direction to regularize such a person, only on the basis of number of years put in by such a worker as daily wager etc. may amount to backdoor entry into the service which is an anathema to Art.14 of the Constitution. Further, such a direction would not be given when the concerned worker does not meet the eligibility requirement of the post in question as per the Recruitment Rules.”*

Thus, in view of law laid down by Hon’ble Apex Court as discussed above the claim of Petitioner for regularization in the employment of Respondent is not maintainable.

12. Therefore, in view of the foregone discussion and law laid down by the Hon’ble Apex Court I am of the opinion that the Petitioner is not entitled for regularization.

Thus, Point No.II is answered accordingly.

13. **Point No. III:** In view of the finding given at Points No. I & II, it is held that Petitioner is not entitled to any relief as prayed for and claim petition is liable to be dismissed.

Thus, Point No. III is answered accordingly.

#### AWARD

In the result, the termination of the service of the Petitioner Sri B. Srinivasa Goud is held legal and justified. Petitioner is not entitled for regularization into service. Hence, the petition filed by the Petitioner is liable to be dismissed, as such the present petition is dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her and corrected by me on this the 14<sup>th</sup> day of December, 2023.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the  
Petitioner

WW1: Sri B. Srinivasa Goud

Witnesses examined for the  
Respondent

MW1: Sri S.G. Raj

#### Documents marked for the Petitioner

Ex.W1: Identity Card of Petitioner

Ex.W2: Letter of casual engagement/employment of the Petitioner

#### Documents marked for the Respondent

Ex.M1: Photostat copy of order passed in WP No.1116/2001 along with batch

Ex.M2: Photostat copy of order passed in WP No.241/2002 along with batch

नई दिल्ली, 13 फरवरी, 2024

का.आ. 330.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और जगवीर सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (177/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-96]

सलोनी, उप निदेशक

New Delhi, the 13th February, 2024

**S.O. 330.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 177/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jagvir Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-96]

SALONI, Dy. Director

### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 177/2016

Registered On:-11/11/2016

Jagvir Singh S/o Sh. Raj Singh R/o Village Nainkalan Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

#### Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

### AWARD

**Passed On:-12.12.2023**

1. The workman Sh. Jagvir Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 13 फरवरी, 2024

**का.आ. 331.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और किरणदीप कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (178/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-97]

सलोनी, उप निदेशक



New Delhi, the 13th February, 2024

**S.O. 331.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 178/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kirandeep Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-97]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.178/2016

Registered On:-11/11/2016

Kirandeep Kaur W/o Sh. Pargat Singh Village Jahlan Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

#### Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

#### AWARD

**Passed On:-12.12.2023**

1. The workman Smt. Kirandeep Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 13 फरवरी, 2024

**का.आ. 332.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और सरनजीत सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (179/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-98]

सलोनी, उप निदेशक



New Delhi, the 13th February, 2024

**S.O. 332.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.179/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Saranjit Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-98]

SALONI, Dy. Director

## ANNEXURE

### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No.179/2016

Registered On:-11/11/2016

Saranjit Singh S/o Sh. Karamjit Singh R/o Village Jahlan Ranbirpura Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

### Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

**Passed On:-12.12.2023**

1. The workman Sh. Saranjit Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 13 फरवरी, 2024

**का.आ. 333.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और कुलविंदर सिंह, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (180/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-1)-99]

सलोनी, उप निदेशक

New Delhi, the 13th February, 2024

**S.O. 333.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 180/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Kulwinder Singh.Worker.**

[No. L-12025/01/2024- IR(B-I)-99]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 180/2016

Registered On:-11/11/2016

Kulwinder Singh S/o Sh. Amarjit Singh R/o Village Passiana Tehsil & Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

#### Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

#### AWARD

**Passed On:-12.12.2023**

1. The workman Sh. Kulwinder Singh has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 13 फरवरी, 2024

**का.आ. 334.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और जसलीन कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (181/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-100]

सलोनी, उप निदेशक

New Delhi, the 13th February, 2024

**S.O. 334.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 181/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Jasleen Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-100]

SALONI, Dy. Director

#### ANNEXURE

#### CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

**Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.**

ID No. 181/2016

Registered On:-11/11/2016

Jasleen Kaur W/o Sh. Ishwer Singh R/o Vill. Seona P.O. Sidhuwal Distt. Patiala, C/o Sh. Harpreet Singh & Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

#### Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

#### AWARD

**Passed On:-12.12.2023**

1. The workman Smt. Jasleen Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 13 फरवरी, 2024

**का.आ. 335.**—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-I, पटियाला, संबद्ध नियोजको और लवप्रीत कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (182/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-101]

सलोनी, उप निदेशक

New Delhi, the 13th February, 2024

**S.O. 335.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 182/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court –I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Lovepreet Kaur.Worker.**

[No. L-12025/01/2024- IR(B-I)-101]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No.182/2016

Registered On:-11/11/2016

Lovepreet Kaur W/o Sh. Kuldeep Singh R/o Village Janpherian Distt. Patiala, C/o Sh. Harpreet Singh &amp; Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

## Versus

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

## AWARD

Passed On:-12.12.2023

1. The workman Smt. Lovepreet Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 13 फरवरी, 2024

का.आ. 336.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14 ) की धारा 17 के अनुसरण में केन्द्रीय सरकार के प्रशासन. कमांडर, स्टेशन हेडक्वार्टर, सैन्य क्षेत्र, पटियाला; श्री पवन कुमार बजाज ठेकेदार निवासी एल.आई.जी. 175, अर्बन एस्टेट, फेज़-1, पटियाला, संबद्ध नियोजको और अमृतपाल कौर, कामगार, के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1 चण्डीगड के पंचाट (183/2016) प्रकाशित करती है।

[सं. एल-12025/01/2024- आई आर (बी-I)-102]

सलोनी, उप निदेशक

New Delhi, the 13th February, 2024

**S.O. 336.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.183/2016) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court -I Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **The Admn. Commander, Station Head Quarter, Military Area, Patiala; Shri Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala, and Amritpal Kaur. Worker.**

[No. L-12025/01/2024- IR(B-I)-102]

SALONI, Dy. Director

## ANNEXURE

## CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, CHANDIGARH.

Present: Sh. Kamal Kant, Presiding Officer-cum-Link Officer, Chandigarh.

ID No. 183/2016

Registered On:-11/11/2016

Amritpal Kaur W/o Angrej Singh R/o # 220, Village Hardaspur Tehsil &amp; Distt. Patiala, C/o Sh. Harpreet Singh &amp; Sudhakar, Resident-cum-Office Street No.12, Rishi Colony, Patiala (Punjab).

.....Workman

**Versus**

1. The Admn. Commander, Station Head Quarter, Military Area, Patiala.
2. Sh. Pawan Kumar Bajaj Contractor R/o L.I.G. 175, Urban Estate, Phase-I, Patiala.

.....Respondents

**AWARD****Passed On:-12.12.2023**

1. The workman Smt. Amritpal Kaur has directly filed statement of claim under Section 2-A of the Industrial Disputes Act, 1947(hereinafter called the Act), with a prayer to reinstate the workman with full back wages.
2. During the pendency of the proceedings before this Tribunal the case was fixed for replication by workman but none is responding on its behalf. Several opportunities have already been given to the workman for evidence but of no use which denotes that the workman is not interested in adjudication of the matter on merits.
3. Since the workman has neither put his appearance since long nor he has led any evidence to prove his cause against the management as such, this Tribunal is left with no choice except to pass a 'No Claim Award'. Accordingly, no claim award is passed in the present case for non-prosecution of workman. File after completion be consigned in the record room.
4. Let copy of this award be sent to Central Government for publication as required under Section 17 of the ID Act, 1947.

KAMAL KANT, PO-cum-Link Officer

नई दिल्ली, 14 फरवरी, 2024

**का.आ. 337.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (243/2002) प्रकाशित करती है।

[सं. एल - 12012/436/2001-आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 14th February, 2024

**S.O. 337.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 243/2002) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/436/2001- IR(B-I)]

SALONI, Dy. Director

**ANNEXURE****IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 17<sup>th</sup> day of November, 2023**INDUSTRIAL DISPUTE No. 243/2002**

Between:

Sri A. Chandraiah,  
S/o Gangaiah,  
Ayaethepalli (V & P.O.)  
Chandragiri (M),  
Chittoor Distt.-507102.

... Petitioner

And

The Assistant General Manager,  
State Bank of India,  
Zonal Office, Region-II,  
Tirupathi-517501.

.....Respondent

**Appearances:**

For the Petitioner : Sri B. Suman Kumar, Advocate  
For the Respondent: Sri Y. Ranjith Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-12012/436/2001-IR(B.I) dated 19.4.2002 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question:

**SCHEDULE**

“Whether the action of the management of State Bank of India, Tirupathi Zone in dismissing services of Shri A. Chandraiah, Ex.Messenger, is justified? If not, what relief the workman is entitled?”

After receipt of the reference, it was numbered as ID No.243 /2002 and notices were issued to both the workman and the management.

2. Earlier this reference was answered by this Tribunal by a common award dated 17.5.2005, along with other batch cases, and the claim of the workman was dismissed. Workman challenged said award before the Hon’ble High Court vide WP No. 6470/2006 & batch wherein Hon’ble High Court of A.P., vide decision dated 23.6.2014 set aside the common award dated 17.5.2005 passed by Central Government Industrial Tribunal cum Labour Court, Hyderabad and directed the Respondent bank to reengage the workmen in the positions which they had been occupying prior to termination. Being aggrieved by the said order in WP No. 6470/2006 & batch, Respondent bank preferred appeal WA Nos.1268/2014 and batch cases wherein Division Bench of Hon’ble High Court held:-

- “(1) affirming the impugned common order of the learned single Judge to the “extent it sets aside the common award dated 17.5.2005 of the Industrial Tribunal;
- (2) The further findings and directions issued through the impugned common order are vacated;
- (3) all the matters shall be remitted to the Industrial Tribunal with a direction to dispose of them within an outer limit of five(5) months from the date of receipt of a copy of this order; and,
- (4) the parties to make appearance before the Tribunal on the given date.”

**Hon’ble High Court of Andhra Pradesh in WA No.1268/2014 and other batch, held that,** “Hearing the learned senior counsel for the SBI and the Learned Senior Counsel for the contesting unofficial respondents, we see that while the learned single Judge was justified in setting aside the award of the Tribunal. This we say for reasons more than one. Firstly, in such matters, claims have to be decided on individual basis, as different persons have different claims as to the length of officiation or discharge of duties and functions; quality of engagement, drawings, accounting of the post for each one of them, who have worked etc. All these issues will not be the same in all the cases. Therefore, each case ought to have been directed to be decided by the Tribunal afresh on individual basis. The second and the most important aspect is the learned single Judge has in one go ordered re-employment of all the workmen. This is not a relief that could have been granted without answering the individual issues; each issue relating to each case could not have been decided by the writ Court within the format of its adjudication procedures and scope. The adjudicating body, which has to do that activity, is the Industrial Tribunal. Therefore, we are of the view that while we would sustain the order of the learned single Judge insofar as it interfered and sets aside the award of the Tribunal, the further findings and directions, issued through the impugned order have to go and the individual cases HCJ&ARR,J WA No. 1268 of 2014 & Batch 6 have to be sent back for consideration of the Tribunal. Such further procedure before the Tribunal will have to be carried forward with the materials already on record and also by affording an opportunity to the persons, who have claims as well as the management to place their rival contentions and further material before the Tribunal//The learned counsel appearing for the workmen are justified in pointing out that enormous delay has already happened and further action by the Tribunal in this line may be expedited.”

Therefore, in compliance with order dated 20.3.2019 of Hon’ble High Court of A.P., Hyderabad passed in WA No.1268/2014, this Industrial Tribunal conducted hearing proceedings in this reference on an individual basis and both parties have been provided ample hearing opportunity during the proceeding.

**The factual matrix of the present industrial dispute is as follows:**

3. **The workman filed his claim statement with the averments in brief as follows:**

The petitioner, Sri A. Chandraiah was working as a Messenger in the State Bank of India from 1985 to 1997. He worked until 1.4.1997 when he was stopped from working based on the orders of the respondent panels. The Petitioner belongs to SC community. It is submitted that the workman joined in the services of the Management

Institution as Messenger and rendered unblemished service, and by dint of hard work till his services were terminated by oral orders w.e.f. 1.4.1997. Petitioner appeared for interview in response to the notification by Respondent and his name was included in the panel list. But his services were terminated without notice pay and retrenchment compensation. Petitioner is a married person having wife, three sons and old aged parents as his dependents. Petitioner approached Hon'ble High Court of A.P. where he was asked to approach the authority under ID Act, 1947. He approached the Office of the ALC(C), Vijayawada, who conducted conciliation proceedings, which ended in failure and failure report was forward to the Ministry of Labour and Employment, New Delhi, which was referred to this tribunal, hence this ID. Meanwhile Petitioner was called for an interview for absorption and he was selected and his name was included in the panel. There were no complaints against the Petitioner. The work performed by the Petitioner is of a permanent and continuous in nature. Though sufficient and plenty of work was available in the Respondent bank the officers have created artificial breaks in the services of the Petitioner. The Respondent has not published seniority list of the category of the Petitioner and retained juniors to the Petitioner without giving priority to the Petitioner. There are no valid reasons for terminating the services of the Petitioner. The workman submitted that ever since the date of his removal from service, he remained un-employee, as he could not secure any alternative employment inspite of his best efforts. Thus, the action of the respondent Management in terminating the services of the workman by oral order with effect from 31.3.1997 is unjust, illegal, opposed to principles of natural justice besides being violative of various provisions of I.D. Act and the same is liable to be set aside.

**4. The Respondents filed counter refuting the averments made by the Petitioner in the claim petition, and the contention of the Respondent in brief runs as follows:**

The respondent submits that the claim petition is not valid and goes against the Industrial Disputes Act, 1947. They deny the allegations made in the claim statement and demand proof of those allegations. The respondent bank used to hire temporary subordinate staff to cope with staff shortages and government-imposed restrictions. The All India State Bank of India Staff Federation advocated for temporary employees with less than 240 days of service to be considered for permanent appointments. Discussions were held between the federation and the bank, leading to a settlement that aimed to provide fair treatment to temporary employees. The settlement includes various factors, some of which are relevant to the current application.

5. On 17.11.1987, an agreement was signed between the Federation and the management Bank under Section 2(p) read with Section 18(1) of the ID Act, 1947 read with Rule 58 of Industrial Disputes (Central) Rules, 1967.

*As per settlement the temporary employees were categorized into three categories, detailed as under:*

i) Category 'A' :

*Those, who have completed 240 days of temporary service in 12 calendar months or less after 01.07.1975.*

ii) Category 'B':

*Those, who have completed 270 days aggregate temporary service in any continuous block of 36 calendar months after 01. 07.1975.*

iii) Category 'c':

*Those, who have completed a minimum of 30 days aggregate temporary service in any calendar year after 01.07.1975 or minimum of 70 days aggregate temporary service in any continuous block of 36 calendar months after 01. 07.1975.*

In the initial settlement, it was agreed that temporary employees would be given an opportunity for permanent appointments in the bank for vacancies expected to arise from 1987 to 1991. However, on July 16, 1988, a subsequent agreement was reached between the Federation and the bank, extending the consideration period for vacancies from 1987 to 1992. This agreement was signed under relevant sections of the Industrial Disputes Act and its associated rules, and it will be referred to as the second settlement.

6. Later, on October 27, 1988, another agreement, referred to as the third settlement, was reached between the Federation and the bank. It introduced a new clause, 1-A, after clause 1 in the initial settlement. This clause stated that individuals engaged on a casual basis to fill in for leave or casual vacancies in positions like messengers, farrashes, cash coolies, water boys, sweepers, etc., would also be considered for permanent appointments in the bank for vacancies expected to arise from 1988 to 1992. Therefore, not only temporary employees receiving scale wages but also casual or daily wagers would be eligible for permanent absorption into the bank.

7. Government of India vide its letter dated 16.8.1990 issued guidelines to all the public sector banks with regard to the absorption of temporary employees in public sector banks. The said guidelines were issued to implement along the lines of the approach paper on the issue provided by a committee constituted in this regard. The Government of India guidelines made it clear that all the public sector banks may follow the provisions laid down in the approach paper. The approach paper specified that the cases of temporary employees who had put in not less than



240 days of temporary service in 12 consecutive months and who are entitled to benefit of Section 25F of the Industrial Disputes Act might be decided by entering into a settlement with the representative union. With respect to temporary employees who had put in less than 240 days of service in 12 consecutive months or less, a settlement could be avoided, however, if the Management so desired they could enter into a conciliation settlement with the representative union. In para 6(h) it is mentioned that only those temporary employees who had put in temporary service of 90 days or more days after 1.1.82 would be eligible for consideration under the scheme. Although the Government guidelines envisaged a settlement in respect of temporary employees who had put in temporary service of 90 days or more days, the Bank by way of further concession entered into settlements even in respect of those who had put in less than 90 days.

8. According to the settlement dated November 17, 1987, temporary employees who had worked with the bank from July 1, 1975, to December 31, 1987, were given an opportunity to be considered for permanent appointment against future vacancies. The eligible candidates were categorized into three groups based on their completed days of service: Category A (240 days), Category B (270 days), and Category C (70 days). The waitlisted candidates' panel would remain valid until December 31, 1991. Through a modification in the second settlement on July 16, 1988, the qualifying service date was extended to July 31, 1988, instead of December 31, 1987. An advertisement was issued on August 1, 1988, calling for applications from temporary employees who received scale wages, region-wise, to fill the vacancies in different regions.

9. The third settlement on October 27, 1988, was a result of the union's advocacy for casual or daily wage workers. It was decided to consider all candidates for vacancies likely to arise between 1988 and 1992. While the number of vacancies in some regions exceeded the waitlisted temporary employees, the Chennai circle was an exception as there were more waitlisted temporary candidates than available vacancies.

10. On January 9, 1991, the fourth settlement was reached, extending the validity of the panel from 1991 to 1994. After December 31, 1994, the remaining candidates on the panel would have no claim. Following the third settlement, the bank issued an advertisement on May 1, 1991, inviting applications from casual/daily wage workers for consideration for permanent appointment. This created concerns among temporary employees who felt threatened if a common list was created. However, if the casual daily wagers were placed at the end of the list, there would have been no cause for concern.

11. In response, the SBI Employees Union filed a writ petition (Writ Petition No.7872 of 1991) seeking relief to operate the waitlist based on the August 1, 1988, advertisement and not to operate any list based on the May 1, 1991, advertisement. An interim stay was granted regarding the latter aspect, which lasted for more than eight years until July 23, 1999. Consequently, no list of casual posts/daily wage workers could have been drawn up during this period, and the list of temporary employees should have been in operation. The writ petition was finally disposed of on July 23, 1999, by which time the relief sought in the petition would have been implemented.

12. The 5<sup>th</sup> settlement was arrived at on 30<sup>th</sup> July 1996 requiring the panel to be kept alive up to 31<sup>st</sup> March, 1997 and this was in respect of the vacancies which became available up to 31<sup>st</sup> December 1994.

13. The respondent submits that the petitioner has not worked for more days than those who have been absorbed into the vacancies as agreed upon. They deny the petitioner's claim of continuous years of work and state that the petitioner, who has worked for less than 240 days in a 12-month period from 1975 to 1988, has no right to seek absorption in the bank except under the settlements. The case of the petitioner has already been considered under several settlements, and therefore, all the provisions and terms of those settlements are binding on them. The respondent submits that the applicant and other ex-temporary employees do not have an independent right, and their claims are based solely on the settlements. The preparation and maintenance of panels are in compliance with the agreed terms of the settlements. The panels, including the applicant, have ceased to exist after the designated period, and the remaining candidates have no right or claim against the bank. The settlements explicitly stated that the panels would not be kept alive until all candidates were absorbed. The applicant is barred from questioning the validity of the settlements after accepting the benefits and empanelment. According to the settlement dated January 9, 1991, vacancies until December 1994 were to be filled based on seniority from the 1989 panel. After that, the panel lapsed, and the remaining candidates have no claim for permanent absorption. The same applies to the 1992 panel. The respondent submits that only the temporary service rendered from January 1, 1975, to July 31, 1988, is considered for permanent absorption, and days worked after that period are not counted since the panels had already lapsed. The bank never promised to absorb all candidates in the panel, as the advertisement clearly stated that candidates would be considered for absorption in vacancies until 1992. According to the respondent, the vacancies were identified and the ex-temporary employees in the panels were absorbed based on seniority, as per the settlements between the Federation and the management Bank. The respondent submits that mere empanelment does not guarantee absorption for the petitioners, and keeping the panels alive after March 31, 1997, goes against the settlements. The respondent submits that the settlements between the State Bank of India and the All India State Bank of India Staff Federation have the force of law and are binding on the parties. The petitioners themselves have acted upon the settlements by being on the panel, and therefore, they are bound by the terms of the settlements. The maintenance of panels is in line with the agreed terms of the settlements, and the Bank has strictly adhered to these terms. The present application is

based solely on the settlements and not on any independent right or provision of the Industrial Disputes Act. The panels under the settlements had a specific time limit, and this term cannot be modified in any legal proceedings. Therefore, those temporary employees who could not be accommodated due to lack of vacancies have no further rights for regularization under the settlements or otherwise. The bank has fully complied with the settlements, and the mentioned circulars and letters were merely directives to discontinue the practice of engaging temporary employees, which was also a term of the settlements. It is submitted that some writs were filed by certain temporary employees who were also called for interview and empanelled. In writ petition No.12964/94, the Hon'ble High Court went into similar contentions in detail and the Learned Judge also referred to the settlements and subsequently held that the Petitioners therein were not entitled to any relief and the only relief they can claim is enforcement of settlements, if there is any right flowing from it or it has been violated. The relevant operative portion of the said judgement is as follows:

*"It is needless to state that the settlement arrived at between the All India State Bank of India Staff Federation which is the majority union and the bank management is binding on the petitioners also. It is not, at all the case of the petitioner that any of the terms of the settlement has been violated by the bank's management. If the Petitioner had worked in the bank on part-time basis before 31.5.94, that itself would not vest in him a right to claim that his services should be regularized on permanent basis against a full time cadre post. The claim put forth by the Petitioner in the present petition is therefore misconceived and not tenable. However, it is open to the Petitioner to claim any right which flows from the settlement between the union and the bank management. As already pointed out that it is not the grievance of the Petitioner that some right which has flown from the settlement in favour of the Petitioner has been denied by the bank management. Therefore, I domestic enquiry not find any ground, let alone substantial ground, to grant the kind of relief sought for by the Petitioner. Writ petition fails and is accordingly dismissed. No costs."*

The respondent submits that the settlements clearly state that the panels would cease to exist at the end of the designated period, and there would be no further temporary or casual recruitment. The relief sought by the applicant, if granted, would essentially make temporary employment permanent through a backdoor entry, which goes against the settlements, as well as Articles 14 and 16 of the Constitution. It would also deprive rightful claimants of their chances through proper recruitment procedures. The settlements were intended as a one-time measure to end the practice of temporary engagement, and the rights of the applicant were determined by these settlements. Therefore, there is no legitimate expectation or estoppel, as contractual rights arising from an industrial settlement take precedence. The bank did not make any statement or representation guaranteeing permanent appointment, as clearly stated in the advertisement issued pursuant to the first settlement, which outlined the process of being considered for permanent appointment and being wait-listed based on suitability and subject to vacancies, with the waitlist valid until 1991.

14. The ex-temporary employees in the panels filed a writ petition before the High Court of Andhra Pradesh, which was initially allowed by the Single Judge. However, the bank appealed this decision, and the Division Bench of the High Court set aside the Single Judge's order. The ex-temporary employees then filed a Special Leave Petition before the Supreme Court, which was also dismissed. Therefore, the reference to the Single Judge's judgment in the writ petition is irrelevant, as it has been overturned. The petitioner has not worked for the required 240 days in any preceding 12-month period, so the reference to Section 25F of the Industrial Disputes Act is not relevant. The petitioners' claim regarding their service and educational qualifications require strict proof. The allegation of termination is incorrect, as the vacancies were filled based on seniority, and the non-engagement of the petitioner does not constitute termination. Temporary employees are subject to the availability of work, and there is no obligation to continue their employment when there is no work. The bank has not engaged in unfair labour practices, and the settlements are binding on the petitioner, having been fully implemented without violating any provisions of the Industrial Disputes Act. The issue has been addressed in various judgments of the Supreme Court and High Courts, and the petitioner's industrial dispute lacks merit and should be dismissed.

15. The Petitioner in support of his claim examined himself as WW1 and also filed photocopies of 9 documents which were marked as Ex.W1 to W9. Ex.W1 is transfer certificate, Ex.W2 is caste certificate. Ex.W3 is the Memo of marks. W4 is the service certificate, Ex.W5 is the call letter for interview, Ex.W6 and Ex.W7 are the conciliation notices, Ex.W8 is minutes of that proceedings. Ex.W9 is the failure report. On the other hand, Respondent filed photocopies of 12 documents which were marked as Ex.M1 to M12. Ex.M1 to M4 are settlements between Respondent and All India State Bank of India Staff Federation. Ex.M5 is conciliation proceedings. Ex.M6 is another settlement. Ex.M7 is Memorandum of understanding. Ex.M8 is statement giving the particulars of 1989 messenger panel. Ex.M9 is statement of 1989 non-messenger panel. Ex.M10 is statement of 1992 panel. Ex.M11 is order of Hon'ble High Court in WA No.86/98 and Ex.M12 is order in SLP No.11886-11888.

**16. On the basis of the pleadings and the submissions made by the parties, following points emerge for determination:-**

- I. Whether the action of the Respondent Management in terminating the services of the workman, Sri A. Chandraiah, Ex-Messenger w.e.f, 31.03.1997 is legal and justified?

II. Whether the workman in terms of settlements arrived at between the Respondent Bank Management and the Federation of Employees is entitled for regularization/absorption in the service of Bank?

III. To what relief, the workman is entitled for?

### Findings:

17. **Points No. I & II:-** The workman claims that he had been working with the Respondent Bank in 1985 for 89 days on temporary basis. In the year 1989, Respondent issued advertisement for calling applications from the then temporary subordinate employees for the post of messenger. The workman moved application and he received interview call letter from bank to attend the interview, workman attended interview and Respondent Bank prepared a panel list of all the successful candidates in the year 1989 and the Petitioner's name appeared also in the panel list. The Respondent Bank utilized the services of the empanelled employees and workman on temporary basis till March 1997 and some of the empanelled employees were given permanent appointment basing on the number of days of service put up by them. Thereafter, the Respondent No.2 issued a Letter dated 25.03.1997 directing all Branch Managers not to utilize the services of the empanelled Messenger and to declare that the panel list of 1991 will lapse by 31.03.1997. Therefore, all the remaining empanelled employees as per the panel list of 1991, were denied employment after 31.03.1997. It is further submitted by the workman that Respondent No.2 issued another advertisement in the year 1991 calling application for interview from the then temporary working messengers and selected some of the candidates among the applicants and prepared another panel list of 80 employees. The said panels lapsed in March, 1997. However, surprisingly all the temporary employees as per Second panel List of 1993 were given permanent appointment and that order was issued just 15 days before the lapse of the panel List. It is further submitted that the empanelled employees of Second panel List of 1993 were juniors to the temporary employees of first panel list of 1991 in terms of number of days of service put up by them. Therefore, the act of Respondent Bank appointing the junior employees of second panel list ignoring the senior employees of the first panel list of 1991 is discriminatory, arbitrary and illegal which goes to indicate that the Respondent Bank chose to favour the employees of second panel List of 1993 for the reason best known to the Respondent Bank.

18. On the other hand, the Respondent countered the allegations made by the workman and submitted that the persons who do not have the requisite number of days of service as per the settlement, could not be considered for permanent absorption. It is contended that the bank had never promised that all the candidates in the panel will be absorbed. In the advertisement itself it was made clear that the candidate will be considered for the absorption in the vacancies that may arise up to 1992. Since the panel list had already lapsed on 31.03.1997, and the vacancies were already filled up by absorbing the temporary attendants and daily wagers/casual employees respectively in order of their seniority in the empanelment, therefore, the consideration of engaging their services including workman could not have arisen. Therefore, panel list of daily wagers prepared in the year 1992 was used for filling vacancies which arose up to end of 1994 and the said panel list automatically lapsed after the filling of the aforesaid vacancies.

19. In support of his claim, the workman has examined himself as WW1 and in chief examination, he reiterated his claim as made in his petition. Further he stated Ex. W4 is the service certificate. In cross examination, WW1 states that On the oral instruction of Branch Manager, he worked in the Branch. He further admitted in the cross examination, "Accordingly, I was given appointment as Messenger on temporary basis in 1985 for 89 days. I was not sponsored by any employment exchange. I did not undergo the regular selection process before my appointment as a temporary messenger and non-messenger in the branch. I did not work continuously. I used to work depending upon availability of work in the branch. I applied in response to an advertisement issued by the bank in the year 1989, I was called for interview and my name was included in the panel of temporary messengers in the year 1989. The panel was prepared basing on the no. of days of service put in by the temporary employees. Some of the employees whose names were included in the panel were given regular employment in the bank in order of their seniority in the panel. The witness adds that he is not aware of the settlements. I am not having any document to show that any person who had worked for less no. of days than me was given regular appointment in the bank. It is true that I am not having any document to show that any of my juniors are continuing in service. I did not give any letter stating that I was terminated from service and that I want reinstatement into service." Further, the Petitioner states that, "It is true that I did not work for 240 days in any year in my entire service in the bank." On the other hand, the Respondent has examined MW1 and in his chief examination the witness had stated that the petitioner was included in the panel list however, as the existing vacancies at that time were exhausted, his turn didn't come, and he could not be given permanent employment in the bank. All the appointments were made strictly in accordance with the settlement between the SBI management and the SBI Staff Federation. The witness has also stated that as per the seniority was determined on the basis of number of days as temporary service put in by the employee in the given period and all the appointments were made as per seniority. Witness states that the petitioner had not worked for 240 days in any year in his entire temporary service in the bank. The petitioner and other temporary employees were not terminated from service by the Bank. The vacancies were filled up on regular basis with the temporary employees from the panel list and which were expired in terms of settlement on 31.03.1997 and there were no vacancies to absorb rest of the empanelled employees.

20. In view of the above statement of witness, it manifests that, the workman did not work for 240 days continuously in any year in the service. Therefore, the protection of the provisions under Section 25 (f) of Industrial Disputes Act, 1947 against the retrenchment is not available to the workman. The initial burden of proof was on the workman to show that he had completed 240 days of continuous service in the employment of bank from the date just preceding date of termination, but he failed to discharge his burden of proof.

In the case of **Mohan Lal v. Management BEL 1981 SCC 225**, the Hon'ble Apex Court have held that:

*"Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act, he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."*

*"Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered period of 240 days during the period of 12 calendar service for months counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained, move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"*

Therefore, in view of the above law, the claim of the workman that Respondent has not exhausted procedure before his retrenchment from service is not tenable.

21. Further, the workman claimed that his name was included in the empanelment for regularization on temporary posts after holding interview in 1989, but he was not regularized in the service and the temporary employees junior to him in service were appointed on permanent posts from the empanelment. However, WW1 in cross-examinations has admitted that he was not sponsored by the Employment Exchange. He could not indicate any instance of regularizing the temporary employee junior to him from the panel. Since, as per settlements arrived at between the Federation of Bank Employees and Respondent Bank Management, the vacancies for the empanelled employees of 1989 were available which would arise upto December, 1994 and those vacancies were absorbed from the panel list 1991 in order of seniority. Therefore, due to non-availability of the vacancies, and the workman not having the requisite number of days in service as compared to the other employees who were ranked senior to him in the list, could not be regularized. Therefore, workman being junior to other workmen in the panel, could not be granted regularization/absorption as a permanent employee in the Bank. It is admitted by the workman that the panel list was prepared in terms of settlement arrived at between the State Bank Management and Federation of State Bank Management Employees Association and therefore, same is binding on both parties under the provision of Section 18 (1) of the Industrial Disputes Act. Therefore, in view of the above, settlements and awards is also binding on the workman.

In the case of **National Engineers Industries v. St. of Rajasthan Civil Appeal No. 16832/1996 dated 01.12.1999**, three judges bench of Hon'ble Apex Court have held:-

*"In Ram Pukar Singh and Ors. Vs. Heavy Engineering Corporation and Ors. [1994] 6 SCC 145 this Court said that a settlement arrived at between the management and the sole recognised union of workmen under section 12(3) read with section 18 of the Act would be binding on all the workmen whether members of the union or not."*

Therefore, mere enlisting the name of workman, a in the list of employees for regularization, it does not entitle workman for absorption in the Bank's service as a permanent employee unless the vacancy is available at the stage of his seniority. As per the settlement, the panel lists expired on 31.03.1997, and thereafter, the life of the panel list could not be extended. In the **Writ Petition No. 12964/1994**, the Hon'ble High Court observed:-

*"It is needless to state that the settlement arrived at between the All India State Bank of India Staff Federation which is the majority union and the bank management is binding on the petitioners also. It is not at all the case of the petitioner that any of the terms of the settlement has been violated by the Bank's Management. If the petitioner had worked in the Bank on Part-time basis before 31.5.94, that itself would not vest in his a right to claim that his services should be regularised on permanent basis against a full time cadre post. The claim put forth by the petitioner in the present petition is therefore misconceived and not tenable. However, it is open to the petitioner to claim any right which flows from the settlement between the union and the Bank Management. As already pointed out that it is not the grievance of the petitioner that some right which has flown from the settlement in favour of the petitioner has been denied by the Bank Management. Therefore, I do not find any ground, let alone substantial ground, to grant the kind of relief sought for by the petitioner. Writ Petition fails and is accordingly dismissed. No costs."*

Therefore, the claim of workman in the present matter can not be considered beyond the terms and conditions of aforesaid settlement between Bank Management and Federation of employees.

Further, in the case of **State of U.P. v. Harish Chandra AIR 1996 SC 2173, the Hon'ble Apex Court have held:-**

*"Notwithstanding the aforesaid Statutory Rule and without applying the mind to the aforesaid Rule, the High Court relying upon some earlier decisions of the Court came to hold that the list does not expire after a period of one year which on the face of it is erroneous. Further question that arises in this context is whether the High Court was justified in issuing the mandamus to the appellant to make recruitment of the Writ Petitioners. Under the Constitution a mandamus can be issued by the Court when the applicant establishes that he has a legal right to the performance of legal duty by the party against whom the mandamus is sought and said right was subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution or a Statute or by Rules or orders having the force of law. But no mandamus can be issued to direct the Government to refrain from enforcing the provisions of law or to do something which in contrary to law. This being the position and in view of the Statutory rule contained in Rule 26 of the Recruitment Rules we really fail to understand how the High Court could issue the impugned direction to recruit the respondents who were included in the select list prepared on 4.4.87 and the list no longer survived after one year and the rights, if any, of persons included in the list did not subsist."*

Similarly in the case of **Syndicate Bank and other Vs. Shankar Paul AIR 1997 SC 3091, it was held :**

*"Temporary were made from the empanel of eligible candidates prepared by calling names from employment exchange, the empanel was valid for only year. When the said employee claimed permanent absorption in service, the Apex Court has held that, whatever conditions regarding these empanelled candidates had they come an end on the expiry of one year."*

In the present matter also, since the panel list 1989, which was prepared for the vacancies arising up to December 1994, its life expired on 31.03.1997, and it could not be extended after the said expiry date. Further, the panel list exhausted due to from the vacancies available upto 1994 with the absorption of empanelled senior employees. Thus, the workman being junior in that panel list seniority could not get regularization / absorption in the service. Although numerous pleas have been taken by the Petitioner in his claim statement, but as per settled law, here, we are confined to the reference through which the dispute of dismissal of workman has been referred to the Tribunal for adjudication. In view of fore gone discussion, workman failed to prove his claim as alleged in his petition against the dismissal from service as well as claim for regularization and as such, the action of the Respondent bank in dismissing the services of Sri A. Chandraiah, Ex.Messenger by way of oral orders w.e.f. 31.3.1997 is justified.

Points No. I & II is answered accordingly.

## **22. Point No. III:-**

In view of the findings given in Points No. I & II, the claim of the workman against the dismissal order and for regularization of his service in Respondent Bank is unfounded and devoid of merits. Therefore, the workman is not entitled for any relief of reinstatement or regularization in the employment of Respondent Bank. Hence, his claim petition is liable to be dismissed.

## **ORDER**

In view of the fore gone discussion, it is held that the action of the Respondent bank in dismissing the services of Sri A. Chandraiah, Ex. Messenger by way of oral orders w.e.f. 31.3.1997 is justified. Hence, the Petitioner is not entitled for any relief as prayed for and consequently petition stands dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 17<sup>th</sup> day of November, 2023.

IRFAN QAMAR, President Officer

### Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Sri A. Chandraiah

Witnesses examined for the

Respondent

MW1: Sri Aluru Rama Rao

### Documents marked for the Petitioner

Ex.W1: Photocopy of Transfer certificate

Ex.W2: Photocopy of caste certificate

Ex.W3: Photocopy of memo of marks

Ex.W4: Photocopy of service certificate

Ex.W5: Photocopy of call letter for interview

- Ex.W6: Photocopy of conciliation notice  
 Ex.W7: Photocopy of conciliation notice  
 Ex.W8: Photocopy of Minutes  
 Ex.W9: Photocopy of failure report

**Documents marked for the Respondent**

- Ex.M1: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.17.11.87  
 Ex.M2: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.16.7.88  
 Ex.M3: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.27.10.1988  
 Ex.M4: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.9.1.1991  
 Ex.M5: Photocopy of conciliation proceedings before the Regional Labour Commissioner(C) dt.9.6.1995  
 Ex.M6: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.30.7.1996  
 Ex.M7: Photocopy of Memorandum of understanding dt. 27.1.1997  
 Ex.M8: Photocopy of statements giving the particulars of 1989 messenger panel.  
 Ex.M9: Photocopy of statement of 1989 Non messenger panel  
 Ex.M10: Photocopy of statement of 1992 panel  
 Ex.M11: Photocopy of order of Hon'ble High Court in WA No.86/98 dt. 1.5.98  
 Ex.M12: Photocopy of order in SLP No.11886-11888 of 1998 dated 10.8.98

नई दिल्ली, 14 फरवरी, 2024

**का.आ. 338.**—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय हैदराबाद के पंचाट (274/2002) प्रकाशित करती है।

[सं. एल-12012/10/2002- आई आर (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 14th February, 2024

**S.O. 338.**—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 274/2002) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Hyderabad* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/10/2002-IR(B-I)]

SALONI, Dy. Director

**ANNEXURE**

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: **Sri IRFAN QAMAR**

Presiding Officer

Dated the 17<sup>th</sup> day of November, 2023

**INDUSTRIAL DISPUTE No. 274/2002**

Between:

Sri G. Narasimham,

S/o G. Lakshmaiah,

8<sup>th</sup> Ward, Harijanpalem, Kanigiri(P.O., V & M),

Prakasam Distt.

... Petitioner

And

The Assistant General Manager,

State Bank of India,

Zonal Office, Region-II,

Tirupathi.

.....Respondent

**Appearances:**

For the Petitioner : Sri B. Suman Kumar, Advocate

For the Respondent : Sri Y. Ranjeeth Reddy, Advocate

**AWARD**

The Government of India, Ministry of Labour by its order No. L-12012/10/2002-IR(B.I) dated 30.5.2002 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question:

**SCHEDULE**

“Whether the action of the management of State Bank of India, Tirupathi Zone in dismissing services of Shri G. Narasimham, Ex.Messenger, is justified? If not, what relief the workman is entitled?”

After receipt of the reference, it was numbered as ID No.274/2002 and notices were issued to both the workman and the management.

2. Earlier this reference was answered by this Tribunal by a common award dated 17.5.2005, along with other batch cases, and the claim of the workman was dismissed. Workman challenged said award before the Hon’ble High Court vide WP No. 6470/2006 & batch wherein Hon’ble High Court of A.P., vide decision dated 23.6.2014 set aside the common award dated 17.5.2005 passed by Central Government Industrial Tribunal cum Labour Court, Hyderabad and directed the Respondent bank to reengage the workmen in the positions which they had been occupying prior to termination. Being aggrieved by the said order in WP No. 6470/2006 & batch, Respondent bank preferred appeal WA Nos.1268/2014 and batch cases wherein Division Bench of Hon’ble High Court held:-

- “(1) affirming the impugned common order of the learned single Judge to the “extent it sets aside the common award dated 17.5.2005 of the Industrial Tribunal;
- (2) The further findings and directions issued through the impugned common order are vacated;
- (3) all the matters shall be remitted to the Industrial Tribunal with a direction to dispose of them within an outer limit of five(5) months from the date of receipt of a copy of this order; and,
- (4) the parties to make appearance before the Tribunal on the given date.”

**Hon’ble High Court of Andhra Pradesh in WA No.1268/2014 and other batch, held that,** “Hearing the learned senior counsel for the SBI and the Learned Senior Counsel for the contesting unofficial respondents, we see that while the learned single Judge was justified in setting aside the award of the Tribunal. This we say for reasons more than one. Firstly, in such matters, claims have to be decided on individual basis, as different persons have different claims as to the length of officiation or discharge of duties and functions; quality of engagement, drawings, accounting of the post for each one of them, who have worked etc. All these issues will not be the same in all the cases. Therefore, each case ought to have been directed to be decided by the Tribunal afresh on individual basis. The second and the most important aspect is the learned single Judge has in one go ordered re-employment of all the workmen. This is not a relief that could have been granted without answering the individual issues; each issue relating to each case could not have been decided by the writ Court within the format of its adjudication procedures and scope. The adjudicating body, which has to do that activity, is the Industrial Tribunal. Therefore, we are of the view that while we would sustain the order of the learned single Judge insofar as it interfered and sets aside the award of the Tribunal, the further findings and directions, issued through the impugned order have to go and the individual cases HCJ&ARR,J WA No. 1268 of 2014 & Batch 6 have to be sent back for consideration of the Tribunal. Such further procedure before the Tribunal will have to be carried forward with the materials already on record and also by affording an opportunity to the persons, who have claims as well as the management to place their rival contentions and further material before the Tribunal//The learned counsel appearing for the workmen are justified in pointing out that enormous delay has already happened and further action by the Tribunal in this line may be expedited.”

Therefore, in compliance with order dated 20.3.2019 of Hon’ble High Court of A.P., Hyderabad passed in WA No.1268/2014, this Industrial Tribunal conducted hearing proceedings in this reference on an individual basis and both parties have been provided ample hearing opportunity during the proceeding.



**The factual matrix of the present industrial dispute is as follows:****3. The workman filed his claim statement with the averments in brief as follows:**

The petitioner, Sri G. Narasimham was working as a Messenger in the State Bank of India from 1981 to 1997. He worked until 1.4.1997 when he was stopped from working based on the orders of the respondent panels. It is submitted that the workman joined in the services of the Management Institution as Messenger/water boy and rendered unblemished service, and by dint of hard work till his services were terminated by oral orders w.e.f. 1.4.1997. Petitioner is a married person having wife, one daughter and two sons as his dependents. Petitioner approached Hon'ble High Court of A.P. where he was asked to approach the authority under ID Act, 1947. He approached the Office of the ALC(C), Vijayawada, who conducted conciliation proceedings, which ended in failure and failure report was forward to the Ministry of Labour and Employment, New Delhi, which was referred to this tribunal, hence this ID. Meanwhile Petitioner was called for an interview for absorption and he was selected and his name was included in the panel. There were no complaints against the Petitioner. The work performed by the Petitioner is of a permanent and continuous in nature. Though sufficient and plenty of work was available in the Respondent bank the officers have created artificial breaks in the services of the Petitioner. The Respondent has not published seniority list of the category of the Petitioner and retained juniors to the Petitioner without giving priority to the Petitioner. There are no valid reasons for terminating the services of the Petitioner. The workman submitted that ever since the date of his removal from service, he remained un-employee, as he could not secure any alternative employment inspite of his best efforts. Thus, the action of the respondent Management in terminating the services of the workman by oral order with effect from 31.3.1997 is unjust, illegal, opposed to principles of natural justice besides being violative of various provisions of I.D. Act and the same is liable to be set aside.

**4. The Respondents filed counter refuting the averments made by the Petitioner in the claim petition, and the contention of the Respondent in brief runs as follows:**

The respondent submits that the claim petition is not valid and goes against the Industrial Disputes Act, 1947. They deny the allegations made in the claim statement and demand proof of those allegations. The respondent bank used to hire temporary subordinate staff to cope with staff shortages and government-imposed restrictions. The All India State Bank of India Staff Federation advocated for temporary employees with less than 240 days of service to be considered for permanent appointments. Discussions were held between the federation and the bank, leading to a settlement that aimed to provide fair treatment to temporary employees. The settlement includes various factors, some of which are relevant to the current application.

5. On 17.11.1987, an agreement was signed between the Federation and the management Bank under Section 2(p) read with Section 18(1) of the ID Act, 1947 read with Rule 58 of Industrial Disputes (Central) Rules, 1967.

*As per settlement the temporary employees were categorized into three categories, detailed as under:*

*i) Category 'A' :*

*Those, who have completed 240 days of temporary service in 12 calendar months or less after 01.07.1975.*

*ii) Category 'B':*

*Those, who have completed 270 days aggregate temporary service in any continuous block of 36 calendar months after 01. 07.1975.*

*iii) Category 'c':*

*Those, who have completed a minimum of 30 days aggregate temporary service in any calendar year after 01.07.1975 or minimum of 70 days aggregate temporary service in any continuous block of 36 calendar months after 01. 07.1975.*

In the initial settlement, it was agreed that temporary employees would be given an opportunity for permanent appointments in the bank for vacancies expected to arise from 1987 to 1991. However, on July 16, 1988, a subsequent agreement was reached between the Federation and the bank, extending the consideration period for vacancies from 1987 to 1992. This agreement was signed under relevant sections of the Industrial Disputes Act and its associated rules, and it will be referred to as the second settlement.

6. Later, on October 27, 1988, another agreement, referred to as the third settlement, was reached between the Federation and the bank. It introduced a new clause, 1-A, after clause 1 in the initial settlement. This clause stated that individuals engaged on a casual basis to fill in for leave or casual vacancies in positions like messengers, farrashes, cash coolies, water boys, sweepers, etc., would also be considered for permanent appointments in the bank for vacancies expected to arise from 1988 to 1992. Therefore, not only temporary employees receiving scale wages but also casual or daily wagers would be eligible for permanent absorption into the bank.

7. Government of India vide its letter dated 16.8.1990 issued guidelines to all the public sector banks with regard to the absorption of temporary employees in public sector banks. The said guidelines were issued to implement

along the lines of the approach paper on the issue provided by a committee constituted in this regard. The Government of India guidelines made it clear that all the public sector banks may follow the provisions laid down in the approach paper. The approach paper specified that the cases of temporary employees who had put in not less than 240 days of temporary service in 12 consecutive months and who are entitled to benefit of Section 25F of the Industrial Disputes Act might be decided by entering into a settlement with the representative union. With respect to temporary employees who had put in less than 240 days of service in 12 consecutive months or less, a settlement could be avoided, however, if the Management so desired they could enter into a conciliation settlement with the representative union. In para 6(h) it is mentioned that only those temporary employees who had put in temporary service of 90 days or more days after 1.1.82 would be eligible for consideration under the scheme. Although the Government guidelines envisaged a settlement in respect of temporary employees who had put in temporary service of 90 days or more days, the Bank by way of further concession entered into settlements even in respect of those who had put in less than 90 days.

8. According to the settlement dated November 17, 1987, temporary employees who had worked with the bank from July 1, 1975, to December 31, 1987, were given an opportunity to be considered for permanent appointment against future vacancies. The eligible candidates were categorized into three groups based on their completed days of service: Category A (240 days), Category B (270 days), and Category C (70 days). The waitlisted candidates' panel would remain valid until December 31, 1991. Through a modification in the second settlement on July 16, 1988, the qualifying service date was extended to July 31, 1988, instead of December 31, 1987. An advertisement was issued on August 1, 1988, calling for applications from temporary employees who received scale wages, region-wise, to fill the vacancies in different regions.

9. The third settlement on October 27, 1988, was a result of the union's advocacy for casual or daily wage workers. It was decided to consider all candidates for vacancies likely to arise between 1988 and 1992. While the number of vacancies in some regions exceeded the waitlisted temporary employees, the Chennai circle was an exception as there were more waitlisted temporary candidates than available vacancies.

10. On January 9, 1991, the fourth settlement was reached, extending the validity of the panel from 1991 to 1994. After December 31, 1994, the remaining candidates on the panel would have no claim. Following the third settlement, the bank issued an advertisement on May 1, 1991, inviting applications from casual/daily wage workers for consideration for permanent appointment. This created concerns among temporary employees who felt threatened if a common list was created. However, if the casual daily wagers were placed at the end of the list, there would have been no cause for concern.

11. In response, the SBI Employees Union filed a writ petition (Writ Petition No.7872 of 1991) seeking relief to operate the waitlist based on the August 1, 1988, advertisement and not to operate any list based on the May 1, 1991, advertisement. An interim stay was granted regarding the latter aspect, which lasted for more than eight years until July 23, 1999. Consequently, no list of casual posts/daily wage workers could have been drawn up during this period, and the list of temporary employees should have been in operation. The writ petition was finally disposed of on July 23, 1999, by which time the relief sought in the petition would have been implemented.

12. The 5<sup>th</sup> settlement was arrived at on 30<sup>th</sup> July 1996 requiring the panel to be kept alive up to 31<sup>st</sup> March, 1997 and this was in respect of the vacancies which became available up to 31<sup>st</sup> December 1994.

13. The respondent submits that the petitioner has not worked for more days than those who have been absorbed into the vacancies as agreed upon. They deny the petitioner's claim of continuous years of work and state that the petitioner, who has worked for less than 240 days in a 12-month period from 1975 to 1988, has no right to seek absorption in the bank except under the settlements. The case of the petitioner has already been considered under several settlements, and therefore, all the provisions and terms of those settlements are binding on them. The respondent submits that the applicant and other ex-temporary employees do not have an independent right, and their claims are based solely on the settlements. The preparation and maintenance of panels are in compliance with the agreed terms of the settlements. The panels, including the applicant, have ceased to exist after the designated period, and the remaining candidates have no right or claim against the bank. The settlements explicitly stated that the panels would not be kept alive until all candidates were absorbed. The applicant is barred from questioning the validity of the settlements after accepting the benefits and empanelment. According to the settlement dated January 9, 1991, vacancies until December 1994 were to be filled based on seniority from the 1989 panel. After that, the panel lapsed, and the remaining candidates have no claim for permanent absorption. The same applies to the 1992 panel. The respondent submits that only the temporary service rendered from January 1, 1975, to July 31, 1988, is considered for permanent absorption, and days worked after that period are not counted since the panels had already lapsed. The bank never promised to absorb all candidates in the panel, as the advertisement clearly stated that candidates would be considered for absorption in vacancies until 1992. According to the respondent, the vacancies were identified and the ex-temporary employees in the panels were absorbed based on seniority, as per the settlements between the Federation and the management Bank. The respondent submits that mere empanelment does not guarantee absorption for the petitioners, and keeping the panels alive after March 31, 1997, goes against the settlements. The respondent submits that the settlements between the State Bank of India and the All India State Bank of India Staff Federation

have the force of law and are binding on the parties. The petitioners themselves have acted upon the settlements by being on the panel, and therefore, they are bound by the terms of the settlements. The maintenance of panels is in line with the agreed terms of the settlements, and the Bank has strictly adhered to these terms. The present application is based solely on the settlements and not on any independent right or provision of the Industrial Disputes Act. The panels under the settlements had a specific time limit, and this term cannot be modified in any legal proceedings. Therefore, those temporary employees who could not be accommodated due to lack of vacancies have no further rights for regularization under the settlements or otherwise. The bank has fully complied with the settlements, and the mentioned circulars and letters were merely directives to discontinue the practice of engaging temporary employees, which was also a term of the settlements. It is submitted that some writs were filed by certain temporary employees who were also called for interview and empanelled. In writ petition No.12964/94, the Hon'ble High Court went into similar contentions in detail and the Learned Judge also referred to the settlements and subsequently held that the Petitioners therein were not entitled to any relief and the only relief they can claim is enforcement of settlements, if there is any right flowing from it or it has been violated. The relevant operative portion of the said judgement is as follows:

*"It is needless to state that the settlement arrived at between the All India State Bank of India Staff Federation which is the majority union and the bank management is binding on the petitioners also. It is not, at all the case of the petitioner that any of the terms of the settlement has been violated by the bank's management. If the Petitioner had worked in the bank on part-time basis before 31.5.94, that itself would not vest in him a right to claim that his services should be regularized on permanent basis against a full time cadre post. The claim put forth by the Petitioner in the present petition is therefore misconceived and not tenable. However, it is open to the Petitioner to claim any right which flows from the settlement between the union and the bank management. As already pointed out that it is not the grievance of the Petitioner that some right which has flown from the settlement in favour of the Petitioner has been denied by the bank management. Therefore, I domestic enquiry not find any ground, let alone substantial ground, to grant the kind of relief sought for by the Petitioner. Writ petition fails and is accordingly dismissed. No costs."*

The respondent submits that the settlements clearly state that the panels would cease to exist at the end of the designated period, and there would be no further temporary or casual recruitment. The relief sought by the applicant, if granted, would essentially make temporary employment permanent through a backdoor entry, which goes against the settlements, as well as Articles 14 and 16 of the Constitution. It would also deprive rightful claimants of their chances through proper recruitment procedures. The settlements were intended as a one-time measure to end the practice of temporary engagement, and the rights of the applicant were determined by these settlements. Therefore, there is no legitimate expectation or estoppel, as contractual rights arising from an industrial settlement take precedence. The bank did not make any statement or representation guaranteeing permanent appointment, as clearly stated in the advertisement issued pursuant to the first settlement, which outlined the process of being considered for permanent appointment and being wait-listed based on suitability and subject to vacancies, with the waitlist valid until 1991.

14. The ex-temporary employees in the panels filed a writ petition before the High Court of Andhra Pradesh, which was initially allowed by the Single Judge. However, the bank appealed this decision, and the Division Bench of the High Court set aside the Single Judge's order. The ex-temporary employees then filed a Special Leave Petition before the Supreme Court, which was also dismissed. Therefore, the reference to the Single Judge's judgment in the writ petition is irrelevant, as it has been overturned. The petitioner has not worked for the required 240 days in any preceding 12-month period, so the reference to Section 25F of the Industrial Disputes Act is not relevant. The petitioners' claim regarding their service and educational qualifications require strict proof. The allegation of termination is incorrect, as the vacancies were filled based on seniority, and the non-engagement of the petitioner does not constitute termination. Temporary employees are subject to the availability of work, and there is no obligation to continue their employment when there is no work. The bank has not engaged in unfair labour practices, and the settlements are binding on the petitioner, having been fully implemented without violating any provisions of the Industrial Disputes Act. The issue has been addressed in various judgments of the Supreme Court and High Courts, and the petitioner's industrial dispute lacks merit and should be dismissed.

15. The Petitioner in support of his claim examined himself as WW1 and also filed photocopies of 9 documents which were marked as Ex.W1 to W9. Ex.W1 is transfer certificate, Ex.W2 is Memo of marks. Ex.W3 is the caste certificate. W4 is the service certificate, Ex.W5 and Ex.W6 are service certificates, Ex.W7 is application of the Petitioner, Ex.W8 is notice for conciliation proceedings. Ex.W9 is minutes of that proceedings. On the other hand, Respondent filed photocopies of 12 documents which were marked as Ex.M1 to M12. Ex.M1 to M4 are settlements between Respondent and All India State Bank of India Staff Federation. Ex.M5 is conciliation proceedings. Ex.M6 is another settlement. Ex.M7 is Memorandum of understanding. Ex.M8 is statement giving the particulars of 1989 messenger panel. Ex.M9 is statement of 1989 non-messenger panel. Ex.M10 is statement of 1992 panel. Ex.M11 is order of Hon'ble High Court in WA No.86/98 and Ex.M12 is order in SLP No.11886-11888.

16. On the basis of the pleadings and the submissions made by the parties, following points emerge for determination:-

- I. Whether the action of the Respondent Management in terminating the services of the workman, Sri G. Narasimham, Ex-Messenger w.e.f, 31.03.1997 is legal and justified?
- II. Whether the workman in terms of settlements arrived at between the Respondent Bank Management and the Federation of Employees is entitled for regularization absorption in the service of Bank?
- III. To what relief, the workman is entitled for?

#### Findings:

17. **Points No. I & II:-** The workman claims that he had been working with the Respondent Bank in 1981 for 171 days on temporary basis. In the year 1989, Respondent issued advertisement for calling applications from the then temporary subordinate employees for the post of messenger. The workman moved application and he received interview call letter from bank to attend the interview, workman attended interview and Respondent Bank prepared a panel list of all the successful candidates in the year 1989 and the Petitioner's name appeared also in the panel list. The Respondent Bank utilized the services of the empanelled employees and workman on temporary basis till March 1997 and some of the empanelled employees were given permanent appointment basing on the number of days of service put up by them. Thereafter, the Respondent No.2 issued a Letter dated 25.03.1997 directing all Branch Managers not to utilize the services of the empanelled Messenger and to declare that the panel list of 1991 will lapse by 31.03.1997. Therefore, all the remaining empanelled employees as per the panel list of 1991, were denied employment after 31.03.1997. It is further submitted by the workman that Respondent No.2 issued another advertisement in the year 1991 calling application for interview from the then temporary working messengers and selected some of the candidates among the applicants and prepared another panel list of 80 employees. The said panels lapsed in March, 1997. However, surprisingly all the temporary employees as per Second panel List of 1993 were given permanent appointment and that order was issued just 15 days before the lapse of the panel List. It is further submitted that the empanelled employees of Second panel List of 1993 were juniors to the temporary employees of first panel list of 1991 in terms of number of days of service put up by them. Therefore, the act of Respondent Bank appointing the junior employees of second panel list ignoring the senior employees of the first panel list of 1991 is discriminatory, arbitrary and illegal which goes to indicate that the Respondent Bank chose to favour the employees of second panel List of 1993 for the reason best known to the Respondent Bank.

18. On the other hand, the Respondent countered the allegations made by the workman and submitted that the persons who do not have the requisite number of days of service as per the settlement, could not be considered for permanent absorption. It is contended that the bank had never promised that all the candidates in the panel will be absorbed. In the advertisement itself it was made clear that the candidate will be considered for the absorption in the vacancies that may arise up to 1992. Since the panel list had already lapsed on 31.03.1997, and the vacancies were already filled up by absorbing the temporary attendants and daily wagers/casual employees respectively in order of their seniority in the empanelment, therefore, the consideration of engaging their services including workman could not have arise. Therefore, panel list of daily wagers prepared in the year 1992 was used for filling vacancies which arose up to end of 1994 and the said panel list automatically lapsed after the filling of the aforesaid vacancies.

19. In support of his claim, the workman has examined himself as WW1 and in chief examination, he reiterated his claim as made in his petition. Further he stated that Ex. W4 to W6 are the service certificates. In cross examination, WW1 states that On the oral instruction of Branch Manager, he worked in the Branch. He further admitted in the cross examination, "Accordingly, I was given appointment as Non-Messenger on temporary basis in 1981 for 171 days only, before the interview. I was not sponsored by any employment exchange. I did not undergo the regular selection process before my appointment as a temporary messenger and non-messenger in the branch. I did not work continuously. I used to work depending upon availability of work in the branch. I applied in response to an advertisement issued by the bank in the year 1989, I was called for interview and my name was included in the panel of temporary messengers in the year 1989. The panel was prepared basing on the no. of days of service put in by the temporary employees. Some of the employees whose names were included in the panel were given regular employment in the bank in order of their seniority in the panel. The witness adds that he is not aware of the settlements. I am not having any document to show that any person who had worked for less no. of days than me was given regular appointment in the bank. It is true that I am not having any document to show that any of my juniors are continuing in service. I did not give any letter stating that I was terminated from service and that I want reinstatement into service." Further, the Petitioner states that, "I did not work for 240 days in any year in my entire service in the bank." On the other hand, the Respondent has examined MW1 and in his chief examination the witness had stated that the petitioner was included in the panel list however, as the existing vacancies at that time were exhausted, his turn didn't come, and he could not be given permanent employment in the bank. All the appointments were made strictly in accordance with the settlement between the SBI management and the SBI Staff Federation. The witness has also stated that as per the seniority was determined on the basis of number of days as temporary service put in by the employee in the given period and all the appointments were made as per seniority. Witness states that the petitioner had not worked for 240 days in any year in his entire temporary service in the bank.

The petitioner and other temporary employees were not terminated from service by the Bank. The vacancies were filled up on regular basis with the temporary employees from the panel list and which were expired in terms of settlement on 31.03.1997 and there were no vacancies to absorb rest of the empanelled employees.

20. In view of the above statement of witness, it manifests that, the workman did not work for 240 days continuously in any year in the service. Therefore, the protection of the provisions under Section 25 (f) of Industrial Disputes Act, 1947 against the retrenchment is not available to the workman. The initial burden of proof was on the workman to show that he had completed 240 days of continuous service in the employment of bank from the date just preceding date of termination, but he failed to discharge his burden of proof.

In the case of **Mohan Lal v. Management BEL 1981 SCC 225**, the Hon'ble Apex Court have held that:

*"Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."*

*"Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered period of 240 days during the period of 12 calendar service for months counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained, move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F"*

Therefore, in view of the above law, the claim of the workman that Respondent has not exhausted procedure before his retrenchment from service is not tenable.

21. Further, the workman claimed that his name was included in the empanelment for regularization on temporary posts after holding interview in 1989, but he was not regularized in the service and the temporary employees junior to him in service were appointed on permanent posts from the empanelment. However, WW1 in cross-examinations has admitted that he was not sponsored by the Employment Exchange. He could not indicate any instance of regularizing the temporary employee junior to him from the panel. Since, as per settlements arrived at between the Federation of Bank Employees and Respondent Bank Management, the vacancies for the empanelled employees of 1989 were available which would arise upto December, 1994 and those vacancies were absorbed from the panel list 1991 in order of seniority. Therefore, due to non-availability of the vacancies, and the workman not having the requisite number of days in service as compared to the other employees who were ranked senior to him in the list, could not be regularized. Therefore, workman being junior to other workmen in the panel, could not be granted regularization/absorption as a permanent employee in the Bank. It is admitted by the workman that the panel list was prepared in terms of settlement arrived at between the State Bank Management and Federation of State Bank Management Employees Association and therefore, same is binding on both parties under the provision of Section 18 (1) of the Industrial Disputes Act. Therefore, in view of the above, settlements and awards is also binding on the workman.

In the case of **National Engineers Industries v. St. of Rajasthan Civil Appeal No. 16832/1996 dated 01.12.1999**, three judges bench of Hon'ble Apex Court have held:-

*"In Ram Pukar Singh and Ors. Vs. Heavy Engineering Corporation and Ors. [1994] 6 SCC 145 this Court said that a settlement arrived at between the management and the sole recognised union of workmen under section 12(3) read with section 18 of the Act would be binding on all the workmen whether members of the union or not."*

Therefore, mere enlisting the name of workman, a in the list of employees for regularization, it does not entitle workman for absorption in the Bank's service as a permanent employee unless the vacancy is available at the stage of his seniority. As per the settlement, the panel lists expired on 31.03.1997, and thereafter, the life of the panel list could not be extended. In the **Writ Petition No. 12964/1994**, the Hon'ble High Court observed:-

*"It is needless to state that the settlement arrived at between the All India State Bank of India Staff Federation which is the majority union and the bank management is binding on the petitioners also. It is not at all the case of the petitioner that any of the terms of the settlement has been violated by the Bank's Management. If the petitioner had worked in the Bank on Part-time basis before 31.5.94, that itself would not vest in his a right to claim that his services should be regularised on permanent basis against a full time cadre post. The claim put forth by the petitioner in the present petition is therefore misconceived and not tenable. However, it is open to the petitioner to claim any right which flows from the settlement between the union and the Bank Management. As already pointed out that it is not the grievance of the petitioner that some right which has flown from the settlement in favour of the petitioner has been denied by the Bank Management. Therefore, I do not find any ground, let alone substantial ground, to grant the kind of relief sought for by the petitioner. Writ Petition fails and is accordingly dismissed. No costs."*

Therefore, the claim of workman in the present matter can not be considered beyond the terms and conditions of aforesaid settlement between Bank Management and Federation of employees.

Further, in the case of **State of U.P. v. Harish Chandra AIR 1996 SC 2173**, the Hon'ble Apex Court have held:-

*"Notwithstanding the aforesaid Statutory Rule and without applying the mind to the aforesaid Rule, the High Court relying upon some earlier decisions of the Court came to hold that the list does not expire after a period of one year which on the face of it is erroneous. Further question that arises in this context is whether the High Court was justified in issuing the mandamus to the appellant to make recruitment of the Writ Petitioners. Under the Constitution a mandamus can be issued by the Court when the applicant establishes that he has a legal right to the performance of legal duty by the party against whom the mandamus is sought and said right was subsisting on the date of the petition. The duty that may be enjoined by mandamus may be one imposed by the Constitution or a Statute or by Rules or orders having the force of law. But no mandamus can be issued to direct the Government to refrain from enforcing the provisions of law or to do something which in contrary to law. This being the position and in view of the Statutory rule contained in Rule 26 of the Recruitment Rules we really fail to understand how the High Court could issue the impugned direction to recruit the respondents who were included in the select list prepared on 4.4.87 and the list no longer survived after one year and the rights, if any, of persons included in the list did not subsist."*

Similarly in the case of **Syndicate Bank and other Vs. Shankar Paul AIR 1997 SC 3091**, it was held :

*"Temporary were made from the empanel of eligible candidates prepared by calling names from employment exchange, the empanel was valid for only year. When the said employee claimed permanent absorption in service, the Apex Court has held that, whatever conditions regarding these empanelled candidates had they come an end on the expiry of one year."*

In the present matter also, since the panel list 1989, which was prepared for the vacancies arising up to December 1994, its life expired on 31.03.1997, and it could not be extended after the said expiry date. Further, the panel list exhausted due to from the vacancies available upto 1994 with the absorption of empanelled senior employees. Thus, the workman being junior in that panel list seniority could not get regularization / absorption in the service. Although numerous pleas have been taken by the Petitioner in his claim statement, but as per settled law, here, we are confined to the reference through which the dispute of dismissal of workman has been referred to the Tribunal for adjudication. In view of fore gone discussion, workman failed to prove his claim as alleged in his petition against the dismissal from service as well as claim for regularization and as such, the action of the Respondent bank in dismissing the services of Sri G. Narasimham, Ex.Messenger by way of oral orders w.e.f. 31.3.1997 is justified.

Thus, Points No. I & II is answered accordingly.

## **22. Point No. III:-**

In view of the findings given in Points No. I & II, the claim of the workman against the dismissal order and for regularization of his service in Respondent Bank is unfounded and devoid of merits. Therefore, the workman is not entitled for any relief of reinstatement or regularization in the employment of Respondent Bank. Hence, his claim petition is liable to be dismissed.

## **ORDER**

In view of the fore gone discussion, it is held that the action of the Respondent bank in dismissing the services of Sri G. Narasimham, Ex. Messenger by way of oral orders w.e.f. 31.3.1997 is justified. Hence, the Petitioner is not entitled for any relief as prayed for and consequently petition stands dismissed. Reference is answered accordingly.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant and corrected by me on this the 17<sup>th</sup> day of November, 2023.

IRFAN QAMAR, Presiding Officer

## **Appendix of evidence**

Witnesses examined for the  
Petitioner

WW1: Sri G. Narasimham

Witnesses examined for the  
Respondent

MW1: Sri K. Bala Kotaiah

## **Documents marked for the Petitioner**

Ex.W1: Photocopy of Transfer certificate

Ex.W2: Photocopy of memo of marks

Ex.W3: Photocopy of caste certificate



- Ex.W4: Photocopy of service certificate  
 Ex.W5: Photocopy of service certificate  
 Ex.W6: Photocopy of service certificate  
 Ex.W7: Photocopy of application dt.13.8.98  
 Ex.W8: Photocopy of conciliation notice dt.26.11.2001  
 Ex.W9: Photocopy of Minutes dt.5.12.2001

**Documents marked for the Respondent**

- Ex.M1: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.17.11.87  
 Ex.M2: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.16.7.88  
 Ex.M3: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.27.10.1988  
 Ex.M4: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.9.1.1991  
 Ex.M5: Photocopy of conciliation proceedings before the Regional Labour Commissioner(C) dt.9.6.1995  
 Ex.M6: Photocopy of settlement between Respondent and All India State Bank of India Staff Federation dt.30.7.1996  
 Ex.M7: Photocopy of Memorandum of understanding dt. 27.1.1997  
 Ex.M8: Photocopy of statements giving the particulars of 1989 messenger panel.  
 Ex.M9: Photocopy of statement of 1989 Non messenger panel  
 Ex.M10: Photocopy of statement of 1992 panel  
 Ex.M11: Photocopy of order of Hon'ble High Court in WA No.86/98 dt. 1.5.98  
 Ex.M12: Photocopy of order in SLP No.11886-11888 of 1998 dated 10.8.98

नई दिल्ली, 14 फरवरी, 2024

**का.आ. 339.**—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंधक/निदेशक, मेसर्स भारती एयरटेल सर्विसेज लिमिटेड, अरावली क्रिसेंट, प्रथम नेल्सन मंडेला रोड, वसंत कुंज, चरण-II, नई दिल्ली, के प्रबंधन के संबंधित नियोजकों और दिलीप कुमार, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-1 नई दिल्ली पंचाट (संदर्भ संख्या 79/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 25.01.2024 को प्राप्त हुआ था।

[सं. एल-42025/07/2024-26-आई आर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th February, 2024

**S.O. 339.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 79/2014) of the **Central Government Industrial Tribunal cum Labour Court - I New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Manager/Director, M/s Bharti Airtel Services Limited, Aravali Crescent, 1st Nelson Mandela Road, Vasant Kunj, Phase-II, New Delhi, and Shri Narender, Worker, which** was received along with soft copy of the award by the Central Government on 25.01.2024.

[No. L- 42025-07-2024-26-IR(DU)]

DILIP KUMAR, Under Secy.



**ANNEXURE****CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-I, NEW DELHI.****Present:**

Smt. Pranita Mohanty,  
Presiding Officer, C.G.I.T.-Cum-Labour  
Court-I, New Delhi.

**INDUSTRIAL DISPUTE CASE NO. 79/2014****Date of Passing Award- 12.04.2022****Between:**

Shri Narender,  
S/o Late Shri Dhoom Singh, R/o 341/37, Zakir  
Nagar, New Delhi-110025.

Also at:- D-8/03,  
Mohit Bhawan, A. Colony,  
East Gokul Pur, New Delhi-91.

**Workman****Versus**

M/s Bharti Airtel Services Limited,  
Through its Manager/Director,  
Aravali Crescent,  
1<sup>st</sup> Nelson Mandela Road,  
Vasant Kunj, Phase-II,  
New Delhi-10070.

**Management****Appearances:-**

Ms. H R Sharma  
(A/R)

**For the claimant.**

Shri Kartik Bhardwaj  
(A/R)

**For the Management****AWARD**

This is an application filed u/s 2A of the Id Act by the claimant challenging his termination of service by the management as illegal and seeking the relief of reinstatement into service, payment of back wages and compensation.

In the claim petition the claimant has stated that he was employed with M/s Bharti Airtel Services Limited at Aravali Criscent Vasant Kunj Phase II New Delhi as a senior officer Band SI w.e.f 10.01.2005. He was granted circle ID No. 25467 from the date of such appointment. The monthly salary at the time of initial appointment was agreed at Rs. 6500/- per month. He was confirmed in service on 30.09.2006 and a letter to that effect was issued to him by the management. on review of his performance he was promoted to the post of Senior Technical Officer w.e.f 01.11.2007 and his annual pay package was revised from 92208/- to 1,06,039/-. On

02.09.2008 for his good work the management had issued him a letter of appreciation. In due course his annual salary was again enhanced to 127476/- from 106239/- and the same was effective from 1.06.2008. While the matter stood thus, in the month of March 2010 the management M/s Bharti Airtel Services Limited was amalgamated with M/s Alcatel. The management directed some of its employees to attend their normal duties with M/s Alcatel and list of the employees was issued for that purpose. Unfortunately the name of the claimant was not included in that list. This was so done by the management Airtel in connivance with the new company in order to reduce a substantial number of employees from the work force. That action of the management Airtel left the claimant Jobless. Though, the claimant continued to report daily in the office of the management Airtel, the later denied to accept him in his job and did not pay the salary as well. On the contrary the management compelled the claimant to sign certain documents both written and blank without furnishing the copy thereof to the claimant. Though the service of the claimant stood terminated for the action of the management no letter of termination or notice of termination etc were served on him. Finding no other way the claimant workman served a legal notice on the management on 18.05.2010. The notice though was received, the management least bothered to reply the same. The workman became a victim of the situation and filed a civil suit bearing no. 671 of 2010 before the senior civil judge Delhi. Later on the said suit was

withdrawn by the claimant on 20.05.2011 and the court granted him liberty to approach the appropriate forum. The workman thereafter filed a claim petition before the labour commissioner Hari Nagar New Delhi which was disposed of on the ground of lack of jurisdiction. The claimant then approach the Chief Labour Commissioner Delhi where a conciliation proceeding was initiated. Since, no conciliation could be effected and 45 days elapsed, the claimant came up with the present petition seeking the relief of reinstatement, back wages and compensation for the act of illegal termination of his service by the management.

Being served with the notice the management M/s Bharti Airtel Services Limited filed WS. In the said WS the management admitted that the claimant was in the service of the management till he voluntarily left the service on receipt of full and final settlement of the dues. The management has pleaded that the claimant has misrepresented the fact before the tribunal to derive some illegal benefits. It has been admitted that M/s Bharti Airtel Services Limited amalgamated with M/s Alcatel Lucent Network Management Service Limited in the month of March 2010. The company directed and deputed some of its employees to work in the new company. However, the workman was not included in the said list. The management has denied that on account of the business policy the service of the claimant was terminated, but the claimant himself left the service of the management after taking his full and final dues. Thus, the management has emphatically pleaded that the service of the claimant was never terminated and as such the question of illegal termination doesn't arise. The other stand of the management is that the claimant is not unemployed on account of termination of service. Rather he had left the service of the management after receiving full and final settlement and for a better carrier. The stand of the claimant that injustice was done to him for the illegal termination rendering him jobless is illegal. Thereby the management has pleaded for dismissal of the claim.

The claimant filed replication stating therein that the stand taken by the management is false. It is also denied that the claimant voluntarily left the service of the management for the better prospect after receiving the full and final settlement. It has been stated that the management forcibly stopped the claimant from doing his services which amounts to termination of service. The claimant has specifically denied about the settlement of claim between him and the management. The other stand of the claimant is that the management is alleging falsely about his gainful employment. Infact the claimant is now jobless.

On these rivals pleading the following issues were framed for adjudication.

#### ISSUES

1. Whether the termination of the service of the workman is wrong and illegal as well as against the law.
2. Whether the claimant has voluntarily left the services after receiving full and final settlement.

To substantiate their respective stand the claimant testified as WW1 and proved a series of document marked as exhibit WW1/1 to WW1/25. These documents include the appointment letter, the letter of confirmation of service by the management, letter of appreciation issued by the management to the workman letters relating to annual performance review of the workman, the letter by the management promoting the workman to the post of senior technical officer, the salary slip, and the copies of the plaint, WS and rejoinder etc. filed in the civil suit by both the parties. The copy of the legal notice served on the management has also been filed. Similarly one of the officer of the management testified as MW1 and produced 2 documents which are the copy of the ledger showing payment of some money allegedly towards full and final settlement of the claim of the claimant. The salary slip of the workman for August 2009 has also been filed.

At the outset of the argument the Ld. A/R for the management submitted that the claimant since has alleged illegal termination of his service leaving him jobless, the entire burden lies on him to prove the allegations. But the claimant has not filed and document to prove that his service was terminated by the management and no evidence has been placed on record to prove that the action of the management has rendered him jobless. Describing the claim as false and frivolous the Ld. A/R for the management submitted that the claim is liable to be rejected for suppression of material facts. The counter argument of the claimant is that this is a typical case of unfair labour practice and victimization of the claimant in the hands of a mighty employer. It is not the claimant who is suppressing the facts but the management is guilty of misleading the tribunal by suppressing material facts. Thus, on behalf of the claimant it is argued that the burden has been properly discharged by the claimant and the primary burden being discharge the same shifts on to the management and in this case the management has miserably failed to discharge the said burden to prove that the claimant left the service after full and final settlement and he is gainfully employed.

#### FINDINGS

##### ISSUE NO. 2

On perusal of the statement of claim and the written statement it is evidently clear that the claimant was in the employment of the management M/s Bharti Airtel Services Limited from 10.11.2005 till the company was amalgamated with M/S Alcatel. It is admitted by both the parties that the claimant's relationship with the management came to an end w.e.f 31.08.2009. Whereas the claimant describes this date as the date of illegal termination the management has explained that the employer and employee relationship between the management and

the claimant came to an end on that date when the claimant voluntarily left the job after receipt of full and final settlement. In his sworn testimony the claimant has stated that pursuant to the amalgamation the management issued a list of employees who were directed to work in the new company i.e M/s Alcatel Limited. The name of the claimant was not included in the said list. The witness examined on behalf of the management who is none other than the Assistant Manager of the company has stated during his cross examination that the name of the claimant was not included in the list as he had voluntarily left the job on receipt of full and final settlement. He further stated that this is not a case of termination but quitting the job by the claimant. Basing on this evidence the Ld. A/R for the management argued that the claimant since alleges termination bears the responsibility of proving the same. By drawing attention of the tribunal to the cross examination of the claimant recorded in this proceeding he submitted that had it been a case of termination the letter of termination would have been served on the claimant or the claimant would have alleged the matter before the labour inspector or would have made correspondence with the officials of the management company. The claimant during cross examination has admitted that he never wrote letters to the management alleging the termination and requesting reinstatement, but explained that on several occasions he met the officials personally and requested to take him into service. But his request was never acceded to.

Now it is to be seen if the claimant has been able to prove the alleged termination on the set evidence adduced during the proceeding.

The definition of retrenchment as has been laid down u/s 2(oo) of the Id Act means termination by the employer of the service of the workman for any reason whatsoever, otherwise than a punishment inflicted by way of disciplinary action and shall not include voluntarily retirement of the workman. Thus, it is now it is to be seen if the service of the claimant was terminated by the employer. Admittedly the claimant was not served with any letter of termination or notice of termination. It is also not the case of the claimant that termination compensation was paid to him. It is also not disputed that the claimant had not made any representation to the management requesting reinstatement into service. The cessation of employer and employee relationship between the parties w.e.f 31.08.2009 is admitted by both the parties. The claimant in his statement on oath has stated that he never requested for reinstatement as the termination in the formal sense never happened. Though, he went on requesting orally for work the same was not accepted. The management has on the contrary pleaded about the voluntary quitting of the job.

Admittedly the management is a big company having a wide network of service. As such it is expected of the management to maintain all kind of record in respect of its employees. In this case the claimant has successfully discharged the primary burden to the effect that his employee relationship with the management came to an end w.e.f 31.08.2009 when the management refused to take him into service. Thus, now it is incumbent upon the management to prove if the said severance of status was for termination of service or for the voluntarily quitting by the claimant. Besides examining one of the Assistant Manager as a witness the management has produced the salary slip of the claimant for the month of August 2009 and another computer generated calculation sheet in which at the top it has been mentioned as the full and final settlement of the claimant. This document was confronted to the claimant. Besides these document no other paper has been placed on record by the management. It is the stand of the management that when the company Bharti Airtel merged with another company the claimant opted out of the employment for a better prospect and received the full and final settlement. But surprisingly no document has been placed to make this tribunal believe that before payment of full and final settlement a formal decision to that effect was taken by the management. It is surprising to note that the management though throughout pleaded and argued about payment of some amount towards full and final settlement, during cross examination the claimant was asked whether he received 8891/- towards Leave Encashment. Of course the claimant gave an indecisive statement about the same. But that will not exonerate the management of its responsibility of proving that the full and final settlement amount was paid to the claimant. The document having the caption full and final settlement only reveals that Rs. 8988/- was paid to the claimant for leave encashment. The rest part of the document is with regard to the income tax calculation. This document nowhere shows that the amount paid to the claimant on

31.08.2009 was towards full and final settlement. In this document though 27.08.2009 has been shown as the date of resignation, no document or evidence to that effect has been filed by the management. The oral evidence of the management witness about the voluntary quitting of the claimant cannot be accepted as proof since the companies like Bharti Airtel is supposed to maintain detail records of the employees working, quitting or retiring alongwith the details payable and paid to them. Thus, the stand of the management that the claimant had voluntarily left the job after receiving full and final settlement stands disproved. This issue is accordingly answered against the management.

#### **ISSUE No.1**

Now it is to be seen whether the claimant's service was illegally terminated and he was made a victim of unfair labour practice. The management has admitted that the claimant was the permanent employee of the management. While answering issue no.2 it has already been held that the cessation of the service of the claimant was not the case of voluntary quitting but termination. Section 25F of the ID Act clearly provides that no workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until the workman has been given one month notice in writing indicating the reason for retrenchment or the workman has been paid in lieu of the notice, wages for the period of notice and retrenchment

compensation which shall be equivalent to 15 days average pay for every completed year of continuous service or any part thereof in access of 6 months. Here is the case where the management has admitted not to have served retrenchment notice, notice pay in lieu of notice or the retrenchment compensation on the plea of voluntarily quitting by the workman. But for the discussion made in the preceding paragraph and for the appreciation of both oral and documentary evidence it is held that the management at the time of terminating the service of the claimant had clearly violated the provisions of section 25F of the ID Act and the claimant is entitled to the compensation and relief for the same.

During course of argument the Ld. A/R for the management advanced the stand that the claimant has been gainfully employed and on that ground alone he is not entitled to compensation as claimed by him. He also argued that the burden lies with the workman to prove that he is not gainfully employed and to do so he had to plead the same specifically and adduce evidence. To support his stand he has relied upon the judgment of The Hon'ble High Court of Delhi in the case of **Thakur Singh Rawat and others vs. Jagjit Industry Limited (Manu/DE/1690/2004)** and submitted that it is always incumbent upon the workman to prove that he is not gainfully employed. This argument of the management is again found unacceptable since, it is a common and standard procedure of law that a party asserting existence of a particular fact bears the burden of proving the same. But a party cannot be called upon to prove non existence of a particular fact. The claimant in this case has pleaded in the claim petition and in the rejoinder that the action of the management in not accepting his service rendered him jobless. While deposing as a witness under oath the claimant has also reiterated the same. Thus, the primary burden being discharged by the claimant, the same now shifts on to the management to prove that the claimant is gainfully employed. The same view has been taken by the Hon'ble High Court of Delhi in the case of Thakur Singh Rawat referred supra and relied upon by the management. In paragraph 19 the Hon'ble Court have clearly stated that:-

“The state of employment or non employment of the workman is within the special knowledge of the workman and therefore it should be his first duty to make an assertion that he was unemployed. Having so asserted in this statement of claim he may even state on oath about his state of unemployment and nothing more is required to prove his side of the case. It will then for the management to assert or prove if the workman was at all employed.”

In this case the claimant through his pleading and statement under oath has proved that he is unemployed. But the management has miserably failed to prove that the workman is employed. Hence, it is concluded that the claimant had never voluntarily quit the service of the management on receiving full and final settlement. It is also not proved that after leaving the employment of the management he has been gainfully employed. This issue is accordingly answered against the management.

Now the question left for decision is about the relief the claimant is entitled to. In the claim petition the claimant has prayed for reinstatement into service with full back wages and compensation. The Ld. A/R for the management by placing reliance in the case of **General Manager Haryana Roadways vs. Rudhan Singh decided by the Hon'ble Supreme Court of India in Appeal (Civil) 7501 of 2002** submitted that there is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of section 25F of the Id Act, the entire back wages should be awarded. The factors like the manner and method of selection, and whether he was in adhoc, short term, daily wage, temporary and permanent nature, special qualification etc should be weighed and balanced in taking a decision. He thereby argued that the claimant was in the employment of management for 3 and half years i.e. from 10.11.2005 to 31.08.2009. As such no order should be passed for the back wage claimed. In this case as admitted by the parties and seen from the documents placed on record by the claimant, he was appointed on 10.11.2005 and on successful completion of the probation period he was confirmed into the service on 30.09.2006. His performance was found above the prescribe standard for which he was promoted to the post of Senior Technical officer w.e.f 01.12.2007 and his salary was revised twice before his termination and his last Drawn salary was Rs. 1,27,476/- per annum.

The claimant argued that he was subjected to unfair labour practice and the management has resisted the same. The provisions of section 2(ra) read with schedule V of the Id Act the discharge or dismiss of a workman by way of victimization or not in good faith but in colourable exercise of the employer's right amounts to unfair labour practice. The evidence in this case clearly shows that after amalgamation of Bharti Airtel with M/s Alcatel Lucent Network Management Services in March 2010 some of the employees were allowed to work in the new company whereas, the claimant was denied and the management witness during cross examination has admitted that no reason was assigned for his discontinuance. Thus, it is held to be a clear case of Victimization on account of unfair labour practice. Now it is to be examined what relief the claimant can be granted. In the case of General Manager Haryana Roadways referred supra the Hon'ble Supreme Court have held that one of the important factor which need to be considered for grant of relief is the length of service the workman had rendered. If the workman had rendered a considerable period of service and his service was wrongfully terminated he may be awarded full or partial back wages keeping in view the fact that at his age and qualification he may not be in a position to get another employment. In this case the claimant had worked for the management for 3 and half years and it is not proved that he is gainfully employed. Thus for none compliance of the provisions of section 25F he is entitled to the retrenchment compensation which shall be equivalent to 15 days average pay for every completed year of continuous service or any

part thereof in excess of 6 months which comes to 4 year service or two months last drawn pay. In addition to that the claimant is also held entitled to one month notice pay. The alleged termination happened in the year 2009 and after almost 13 years the litigation has come to an end. In the mean time the claimant must have crossed the age of getting the employment anywhere else. Hence, he need to be compensated for the loss of job on account of unfair labour practice meted to him.

In the case of **Hari Nandan Prasad and Another vs. Employer I/R to Management FCI reported in (2014)7 SCC 190** the Hon'ble Supreme Court have held that the power conferred upon Industrial Tribunal and Labour Court by the Industrial Dispute Act is wide. The Act deals with Industrial Dispute, provides for conciliation, adjudication and settlement and regulates the right of the parties and the enforcement of the awards and the settlement. Thus, the act empowers the adjudicating authority to give relief which may not be permissible in common law or justified under the terms of the contract between the employer and the workman. While referring to the judgment of **Bharat Bank Limited vs. Employees of the Bharat Bank Limited reported in (1950) LLJ 921 Supreme Court** the court came to hold that in setting the dispute between the employer and the workmen the function of the tribunal is not confine to administration of justice in accordance with law. It can confer rights and privileges on either party which it consider reasonable and proper though those may not be within the terms of any existing agreement. It can create new rights and obligations between them which it considers essential for keeping industrial peace.

Here is a case where as indicated above the workman lost his job for the unfair labour practice and keeping his victimization in view it is felt proper to issue a direction to the management to pay him compensation and other statutory entitlement in lieu of reinstatement since, the company in which the claimant was working has merged with another company in the meantime. Hence, ordered.

#### ORDER

The claim petition be and the same is allowed in favour of the workman. It is held that the action of the management in terminating the service of the claimant amounts to unfair labour practice and the said termination was made in clear violation of the provisions of section 25F of the ID Act. The management is thus, directed to pay one month last drawn salary as the notice pay, in lieu of one month notice, pay the amount equivalent to 15 days salary for 4years as the claimant had worked for 3 years and 9 months. In addition to that the management shall pay Rs. 5,00,000/- as a lumpsum compensation to the claimant for the illegal termination of service in lieu of reinstatement and back wages. The management is further directed to pay this amount to the claimant within 3 months from the date of the publication of the award failing which the amount shall carry interest @9% per annum from the date of alleged illegal termination and till the final payment is made. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

Dictated & Corrected by me.

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 14 फरवरी, 2024

का.आ. 340.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार परियोजना निदेशक, चावल अनुसंधान निदेशालय, भारतीय कृषि अनुसंधान परिषद, राजेंद्रनगर, हैदराबाद, के प्रबंधन के संबद्ध नियोजकों और श्री मो. मोहसिन अली अंसारी, कामगार, के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय-हैदराबाद पंचाट (संदर्भ संख्या 71/2008) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 24.02.2024 को प्राप्त हुआ था।

[सं. एल-42025/07/2024-27-आई आर (डीयू)]

डी. के. हिमांशु, अवर सचिव

New Delhi, the 14th February, 2024

**S.O. 340.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref.No. 71/2008 ) of the **Central Government Industrial Tribunal cum Labour Court – Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Project Director, Directorate of Rice Research, Indian Council of Agriculture Research, Rajendranagar, Hyderabad, and Shri Mohd. Mohsin Ali Ansari, Worker**, which was received along with soft copy of the award by the Central Government on 14.02.2024.

[No. L- 42025-07-2024-27-IR(DU)]

D. K. HIMANSHU, Under Secy.

**ANNEXURE**  
**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT**  
**HYDERABAD**

Present: - **Sri Irfan Qamar**  
 Presiding Officer

Dated the 5<sup>th</sup> day of February, 2024

**INDUSTRIAL DISPUTE L.C.No. 71/2008**

Between:

Sri Mohd. Mohsin Ali Ansari,  
 S/o Mohd. Osman Ali Ansari,  
 R/o 22-3-423, Mir Alam Mandi,  
 Hyderabad.

.....Petitioner

AND

The Project Director,  
 Directorate of Rice Research,  
 Indian Council of Agriculture Research,  
 Rajendranagar, Hyderabad.

....Respondent

**Appearances:**

For the Petitioner : Sri M. Madhusudhan, Advocate  
 For the Respondent : Smt. C. Vani Reddy, Advocate

**AWARD**

Sri Mohd. Mohsin Ali Ansari who worked as Skilled Assistant (who will be referred to as the workman) has filed this petition under Sec. 2A(2) of the Industrial Disputes Act, 1947 against the Respondents seeking for declaring the oral termination order dated 2.4.2002 issued by Respondent as illegal, arbitrary and to set aside the same consequently directing the Respondents to reinstate the Petitioner into service duly granting all the consequential benefits such as continuity of service, back wages and all other attendant benefits etc., and such other reliefs as this court may deems fit.

**2. The averments made in the petition in brief are as follows:**

It is submitted that he worked as a Skilled Assistant under the control of the respondent from 16-10-1989 and discharged his duties in various departments as a Casual Employee i.e., the Hybrid Rice Department from 16.10.1989 to 22.12.1989 and the breeding Department from 23.12.1989 to 19.06.1990 and Nematology department from 20.6.1990 to 14.8.1993 and Entomology department from 15.08.1993 to upto 2001 and he worked in the same department upto the utmost satisfaction of the authorities till 1.4.2002 and prevented from 02-04-2002 for discharging of his duties. It is submitted that he has completed 12 years of service in the department, but the respondent has not regularized his services. It is submitted that for the reasons best known to the Respondent he has prevented the Petitioner from discharging his duties with effect from 02.04.2002 without disclosing any reasons. It is further submitted that the action of the respondent in not permitting him to discharge his duties without any valid reason is illegal, unjust, contrary to law, arbitrary amounts to victimization and unfair labour practice. It is submitted that he has completed 240 days and worked continuously from the date of his appointment to till date under the control of the respondent. The provisions of the Industrial Disputes Act are applicable to the respondent. The petitioner submits that Chapter V-B of the Industrial Disputes Act is applicable to the respondent and the respondent has to seek permission from the Government under Section 25(N) of I.D.Act, 1947 before retrenching the petitioner from his service. It is submitted that no such permission has been obtained by the respondent and no notice under Section 25-F or notice pay or retrenchment compensation under Section 25-FF was given to him and that the respondent did not follow any procedure but arbitrarily without any valid reasons preventing/disengaging him from his services. It is further submitted that he requested the respondent to give reasons as to why he has proposed to disengage from his services, but the respondent refused to disclose any reasons. It is submitted that he has not committed any misconduct nor he was issued with any charge sheet. Therefore, under any circumstances, the respondent cannot prevent him from discharging of his duties tom 2.4.2002. Therefore, the action of the respondent is illegal, unjust, contrary to law and in violation of the principles of Natural Justice. It is submitted that the action of the respondent in preventing him from discharge of his duties from 2.4.2002 amounts to deprivation of livelihood which is violative of Art.21 of the Constitution of India. Therefore, it is prayed to direct the respondent to reinstate the petitioner into

services. The petitioner has made appeal to the Appellate Authority, and the appellate authority also rejected the appeal on 9.6.2008. It is therefore prayed to set aside the oral termination orders dt.2.4.2002, and direct the respondent to reinstate the petitioner into service with all consequential benefits and back wages.

**3. The Respondents filed counter denying the averments made in the petition, with the averments in brief which runs as follows:**

It is submitted that the Directorate of Rice Research is a unit of the Indian Council of Agricultural Research, Krishi Bhavan, New Delhi ICAR is an instrumentality of the state. Therefore petitioner has to approach the Hon'ble Central Tribunal for his grievance with regard to his service. It is submitted that this ID is not maintainable before this Hon'ble Court. This aspect has been considered by this Hon'ble Tribunal in ID 35/98. The respondent in that case, CRIDA, Hyderabad is a sister Institute of the Respondent herein and both of them are the components of ICAR. In ID 35/98 this Hon'ble court closed the petition after hearing both sides at length and as the petitioner therein filed a memorandum on the point of jurisdiction to file the same in the CAT, Hyderabad. In view of the same respondent submits that the present ID is not maintainable before this Tribunal for want of jurisdiction. It is submitted that the petitioner was not given any appointment against a sanctioned post. He was only engaged on need basis and payment was made for the work rendered by him. He has never worked for a continuous period. The Directorate of Rice Research is primarily a research organization. Its activities relate to research on various aspects of rice in the irrigated eco-system. It also undertakes multi-disciplinary and multilocation-oriented activities like research on rice at various centres in the country. It is submitted that for the purpose of carrying out agriculture operations related to field, glass house and laboratory etc and for other supporting unit. The skilled labourers on contract basis were engaged in the past depending on the requirement of research schemes taken up from time to time. Such engagement was of purely seasonal, intermittent and solely based on the need subject to the availability of provision under the contingencies in the annual DRR/Scheme budget. It is submitted that due to budget constraints austerity measures and lack of adequate work w.e.f 1.6.2000, the Respondent Directorate has discontinued the engagement of all contractual workers of his category including the petitioner. Therefore, the contention that the authorities prevented him to work from 2.4.2002 is not correct. It is submitted that the petitioner has been engaged on need basis for a particular period and never engaged continuously. Hence the contention that though he has completed 12 years of service in the department his services are not regularized is not correct. It is submitted that w.e.f. 01.06.2000 respondent is not engaging the petitioner therefore question of not permitting him to discharge his duties does not arise. He has never been appointed as technical assistant, based on the work he has been engaged, it cannot be said that there is an illegality. It is submitted that the petitioner was not appointed in Respondent's institute. He was only engaged on need basis. The petitioner has never worked continuously for more than 240 days and he was never on pay rolls of Respondent Directorate. Therefore, question of giving reasons for his disengagement does not arise. It is submitted that respondent is not an industry hence petitioner does not come within the meaning of workman. Therefore, provision of Sec. 25-N of ID Act is not applicable to the case of the petitioner. When he was not employed against any post the question of retrenchment does not arise. Hence section 25 F is not applicable in the case of petitioner whose services are engaged for a particular work. The petitioner's claim that he has not committed any misconduct nor he was issued any charge sheet has no relevance as such things are applied to the regular government employees. It is submitted that this Directorate has never given a commitment to the petitioner that he is appointed against a permanent post. The petitioner is very much aware that he was engaged to do particular work not on regular basis. It is submitted that as there was no work to engage the petitioner the respondent stopped to engage him since 2000. Having kept quiet all these years, now after 10 years he came out with this ID for the reasons best known to him. Hence the ID is barred by limitations. Further with regard to the material papers submitted by the petitioner, it is submitted that Mr. Mohsin is submitting a forged document signed by a Senior Scientist (Dr. N.V. Krishnaiah – since retired) of Respondent Directorate. The signature does not match with the original signature of Dr. N.V. Krishnaiah, therefore the original certificate may be called for and the authenticity may be verified. It is submitted that the present case does not come under the preview of honorable tribunal. As per the rule 23 and bye-laws of ICAR society Secretary, ICAR may sue or be sued. The Secretary ICAR has not been made respondent the I.D may be dismissed on this ground alone. Hence, it is prayed the claim of the Petitioner be dismissed.

4. Petitioner has examined himself as WW1 and got marked four documents in support of his claim. Ex.W1 is the letter dated 16.10.1989, Ex.W2 to W5 are the representations of Petitioner. On the other hand, Respondent examined Sri S. Rama Murthy, MW1 and marked photostat copies of four documents, Ex.M1, order of Labour Court, Ex.M2 is By law of ICAR, Ex.M3 is details of material papers and Ex.M4 is Form III filed by N.V. Kishnaiah containing his original signature.

5. Heard arguments of the Petitioner. Perused written arguments filed by both parties.

**6. On the basis of rival pleadings of both the parties following points emerge for determination:-**

- I. Whether the Respondent, Directorate of Rice Research is an Industry under the I.D. Act, 1947?
- II. Whether the action of the Respondent in terminating the services of the Petitioner Sri Mohd. Mohsin Ali Ansari vide oral orders dated 2.4.2002 is justified?



## III. To what relief the Petitioner is entitled?

**Findings:-**

7. **Point No.I:-** Respondent contended that the Directorate of Rice Research is a unit of Council of Agricultural Research and instrumentality of the State. Therefore, present case does not come under the purview of this Tribunal. Perused the record. Present petition has been filed by the Petitioner u/s 2A(2) of the I D Act, 1947 before the Tribunal to set aside his oral termination order dated 2.4.2002 by the Respondent and to direct the Respondent to reinstate him into service with all consequential benefits and wages.

**Hon'ble High Court in the case of Indian Council of Agricultural Research Vs. PO, CGIT, BBSR and Ors., AIR 1978 SCC 969 date of decision 19.10.2011 passed in WP No.11451/2005 have held:-**

*"6. The decision rendered by the Apex Court in the case of Bangalore Water Supply (supra) still holds good. If a research institute fulfils the triple tests, as stated earlier, it cannot be exempted from the scope of section 2 (j) of the I.D. Act. As per the case of opp.parties-workmen WTCER undertakes welfare activities and economic adventure. It has more than 100 acres of land where it grows different variety of crops and vegetables by the help of workmen and sells the same in open market, besides undertaking various project works on being sponsored by different organizations and disseminates the research results to the sponsored agencies for money. In other words, in WTCER there is systematic activity, organized by cooperation between the employer and employees for production and distribution of goods and services calculated to satisfy human wants and wishes and as such it would come within the ambit of Section 2(j) of the I.D.Act. It would be profitable to quote the view of the Apex Court taken in this regard in the case of Bangalore Water Supply(supra) which reads as follows:-*

*"Does research involve collaboration between employer and employee? It does. The employer is the institution, the employees are the scientist, para-scientists and other personnel. Is scientific research service? Undoubtedly it is. Its discoveries are valuable contributions to the wealth of the nation. Such discoveries may be sold for a heavy price in the industrial or other markets. Technology has to be paid for any technological inventions and innovations may be patented and sold."*

Similarly, the test laid down by the Hon'ble High Court in the decisions as discussed above is also applicable and satisfied in the present matter. Therefore, in view of the facts and circumstances of the case and law laid down by the Hon'ble High Court as discussed above, it is established that the Respondent Directorate of Rice Research, Indian Council of Agricultural Research is an "Industry" covered under the definition of Industry under Sec.2A of ID Act, 1947. Hence, petition is maintainable before this Tribunal.

Thus, Point No.I is answered accordingly.

8. **Point No.II:-** Petitioner claims that he had worked as a Skilled Assistant under the control of Respondent since 16.10.1989 and he has discharged his duties in many departments of the Respondent as a casual employee i.e., Hybrid Rice Department from 16.10.1989 to 22.12.1989 and the breeding Department from 23.12.1989 to 19.06.1990 and Nematology department from 20.6.1990 to 14.8.1993 and Entomology department from 15.08.1993 to upto 2001 and he had worked in the same department upto the utmost satisfaction of the authorities till 1.4.2002 and he was terminated from 2.4.2002 from discharging his duties. Further Petitioner claims that he has completed 12 years of service in the department but Respondent did not regularize his services and he has been disengaged w.e.f. 2.4.2002, from discharging his duties without disclosing any reason. Petitioner claims that action of the Respondent is not permitting him to discharge his duties without any valid reason. Petitioner further contended that Chapter V-B of the Industrial Disputes Act is applicable to the Respondent and Respondent has to seek permission from Government under Sec.25N of the Industrial Disputes Act before retrenching the Petitioner from his service. Further, Petitioner claims that the Respondent has not obtained permission from the concerned Authority and no notice under Sec.25F or no notice pay or retrenchment compensation under Sec.25F was given to him. Therefore, his termination is in contravention of the provision of the Sec.25F of the Act. In support of his plea, the Petitioner has examined himself as WW1 and in his chief affidavit he has reiterated and supported the averments made in the petition. WW1 in his cross examination states, "I joined in DRR (Respondent) in the year 1989. No vacancy was advertised. I personally contacted the officer, I was interviewed and I was appointed. Mr. Mohan Rao, Administrative Officer, interviewed and appointed me. No written orders were given me as skilled assistant. I was orally appointed. I was used to pay through the voucher on monthly basis. I used to sign attendance register daily. I used to be shifted from one sub-section to another on oral orders."

9. The statement of WW1 reflects that no Appointment letter was issued by the Respondent to the Petitioner before his alleged appointment in the Respondent office and no vacancy was advertised for the post as per rule against which the Petitioner claims his reinstatement. Further, it also manifests that before the engagement of the Petitioner no procedure of appointment was followed as per rules and regulations. Further, he was not appointed against any permanent post in the Respondent office. However, Petitioner failed to produce any relevant and cogent documentary evidence to substantiate his claim that he was appointed in the Respondent office, against any permanent post after following due procedure for recruitment as prescribed under the rules and regulations.

10. However, Petitioner claims that he had worked continuously for 240 days or more as per provision of Sec.25F of the Industrial Disputes Act and his termination was in violation of the said provision of I.D. Act, 1947.

**Sec.25F of Industrial Disputes Act provides:-**

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until—

- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice;
- (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay for every completed year of continuous service] or any part thereof in excess of six months; and
- (c) notice in the prescribed manner is served on the appropriate Government or such authority as may be specified by the appropriate Government by notification in the Official Gazette].

Compensation to workmen in case of transfer of undertakings.

**Section 25B:-**

**Definition of continuous service.- For the purposes of this Chapter:--**

- (1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorized leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman;
- (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer--
  - (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than--
    - (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and
    - (ii) two hundred and forty days, in any other case;

In support of his claim Petitioner has filed photocopies of documents but none of the documents has been proved and exhibited by WW1 in his chief examination. Therefore, these photocopies of the documents can not be read in evidence as per rule. Further, the Petitioner claims that he had worked continuously for 240 days in the Respondent office in a calendar year. To substantiate his claim, he has filed the photocopies of attendance register. Perusal of photocopies of attendance register, i.e., page No.16-17, goes to show that these are the single pages of the attendance register and it pertains to the months of January, 2003 and March, 2003. The claim of the Petitioner that he had worked continuously for more than 240 days in the Respondent office has not been substantiated by these two photocopies of attendance register which pertains to intermittent period. In this context, it is settled law that burden of proof to establish the averment of the petition lies upon the Petitioner and he has to discharge his burden by cogent and reliable oral and documentary evidence.

In this context following decisions of the Hon'ble Apex Court are relevant as discussed below:-

***In Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan and Anr. (2004) Apex Court held:***

*"It was the case of the workman that he had worked for more than 240 days in the year concerned. This claim was denied by the appellant. It was for the claimant to lead evidence to show that he had worked for 240 days in the year preceding the date of his termination. He has filed an affidavit. It is statement which is in his favor and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that in fact the claimant had worked for 240 days in a year."*

***In the case of Mohan Lal v. Management, BEL 1981 SCC P. 225, Hon'ble Apex Court held, "***

*Before a workman can claim retrenchment, not being in consonance of Section 25 of the ID act. he has to show that he has been in continuous service of not less than 1 year with the employer who had retrenched him from service."*

**The Hon'ble Apex Court in this case also laid down the principle of how to count 240 days of service within one year and held:** "Clause (2)(a) provides for a fiction to treat a workman in continuous service for a period of one year despite the fact that he has not rendered uninterrupted service for a period of one year but he has rendered service period of 240 days during the period of 12 calendar months for counting backwards and just preceding the relevant date being the date of retrenchment. In other words, in order to invoke the fiction enacted in clause (2)(a) it is necessary to determine first the relevant date, ie the date of termination of service which is complained of as retrenchment. After that date is ascertained. move backward to a period of 12 months just preceding the date of retrenchment and then ascertain whether within the period of 12 months, the workman has rendered service for a period of 240 days. If these three facts are affirmatively answered in favor of the workman pursuant to the deeming fiction enacted in clause (2)(a) it will have to be assumed that the workman is in continuous service for a period of one year and he will satisfy the eligibility qualification enacted in Section 25-F".

- a. In the case of **GM., BSNL and others V. Mahesh Chand AIR 2008 SC (Supp) 1328**, wherein the Hon'ble Apex Court have held,
 

*"It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any Court or Tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside."*
- b. In the case of **Range Forest Officer Vs. S T Hadimani AIR 2002 SC page 1147**, wherein Hon'ble Apex Court have held,
 

*"the onus lies upon claimant to show that he had in fact worked for 240 days in a year – In absence of proof of receipt of salary or wages record of appointment, filing of an affidavit by workman is not sufficient evidence to prove that he had worked for 240 days in a year preceding his termination."*
- c. In the case of **Essen Deinki Vs. Rajiv Kumar, AIR 2003 SC 38** the Hon'ble Apex Court have held,
 

*"It was for the employee concerned to prove that he has in fact completed 240 days in the last preceding 12 months' period."*
- d. In the case of **Rajasthan State Ganganagar S Mills Ltd Vs. State of Rajasthan and another AIR 2005 SC 4065**, the Hon'ble Apex Court have held,
 

*"It was for the claimant to lead evidence to show that he had in fact worked upto 240 days in the year preceding his termination."*
- e. In the case of **Municipal Corporation, Faridabad Vs. Siri Niwas AIR 2004 SC 4681**, wherein Hon'ble Apex Court have held,
 

*"that the burden of proof was on the workman to show that he had worked for 240 days in the preceding 12 months prior to his alleged retrenchment u/s 25F of the Industrial Disputes Act, 1947. It is also held that it is improbable that a person working in a Local Authority would not be in possession of any documentary evidence to support his claim before the tr. Apart from muster rolls he could have shown the terms and conditions of his offer of appointment and the remuneration received by him for working during the afore mentioned period. He even did not examine any other witness in support of his case."*
- f. In the case of **M.P. Electricity Board Vs. Hariram etc., AIR 2004 SC 4791**, wherein Hon'ble Apex Court have held,
 

*"Fact that Board failed to produce muster rolls for year 1990 to 1992 though called upon to produce muster rolls for years 1987-1992- Not sufficient to draw adverse inference against Board – cannot be basis for finding that Respondents have worked for 240 days in a year –Moreso when Respondents neither specifically claimed nor established that they had worked for 240 days in a given year."*
- g. Further, in the case of **Ranip Nagar Palika Vs. Babuji Gabhaji Thakore and others /AIR 2008 SC (Supp) 1240**, wherein Hon'ble Apex Court have held ,
 

*"the burden of proof lies on the workman to show that he had worked continuously for 240 days for the preceding one year and it is for the workman to adduce evidence apart from examining himself to prove the factum of being in employment of the employer."*
- h. In the case of **Krishna Bhagya Jala Nigam Ltd., Vs. Mohammed Rafi Chief Engineer, AIR 2009 SC (Supp) 2215**, wherein the Hon'ble Apex Court have held,
 

*"Period of 240 days of employment or engagement of workman-Burden of proof as to working for 240 days is on workman and not employer."*
- i. In the case of **Chief Engineer, Ranjit Sagar Dam and another Vs. Sham Lal, 2006 AIR SCW 3574**, wherein the Hon'ble Apex Court have held,
 

*"Fact that workman had worked for 240 days or more in year immediately preceding termination – Burden of proof – Burden is on workman not on employer."*

Therefore, in view of the fore gone discussion and law laid down by the Apex Court as discussed above, Petitioner utterly failed to establish his claim by his evidence that he had worked for 240 days continuously in a calendar year just preceding the date of his alleged oral termination. As per Law, before claiming the protection against the termination in violation of provision of Sec.25(F) the Petitioner has to prove the fact that he has had worked 240 days continuously in a calendar year just preceding from the date of termination.

11. Per contra, Respondent has refuted the averment and argument of the Petitioner as claimed by him in his evidence. Respondent has examined MW1 and Witness in his chief affidavit has deposed that Petitioner was not employed against any post therefore, question of retrenchment does not arise. Petitioner never worked for continuous period. The skilled labour on contract basis were engaged in the past depending on need basis. Further MW1 states that the Petitioner was engaged on daily wage basis which is need based and paid accordingly. There was no office order issued in his favour regarding any appointment to any particular post sanctioned in the cadre strength of IIRR and nor there is any pay fixation done for him. He was purely paid on contract wages applicable from time to time. Witness MW1 was cross examined by the Petitioner counsel and in his cross examination states, “Petitioner worked as a daily wager in Breeding, particularly in the Department of Entomology. The Petitioner was not given appointment basing any letter of the Respondent’s Management. No pay scale was applicable to the Petitioner.” Further, MW1 states that, “As per State Government rules for payment of wages to the daily labourers the Petitioner workman was given payment. There were no recruitment rules for appointment of daily wage labourers in the Respondent’s Department.” Thus, from the above statement of the MW1 it is clear that the Petitioner was engaged as daily wager in the Respondent office and he was not appointed against any post. Nothing has been elicited to discredit the testimony of the witness, MW1. Thus, it can safely be concluded said that the action of the Respondent in terminating the services of the Petitioner is justified and legal.

Thus, Point No. II is answered accordingly.

12. **Point No. III:** In view of the finding given at Points No.I, & II, the workman is not entitled to any relief and the petition is liable to be dismissed.

Thus, Point No. III is answered accordingly.

#### AWARD

In view of the fore gone discussion and law laid down by the Hon’ble Apex Court, the action of the Respondent Management Directorate of Rice Research in terminating the services of the Petitioner Sri Mohd. Mohsin Ali Ansari vide oral orders dated 2.4.2002 is held justified. As such, the Petitioner is not entitled to any relief as prayed for. The petition stands dismissed.

Award is passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected and signed by me on this the 5<sup>th</sup> day of February, 2024.

IRFAN QAMAR, Presiding Officer

#### Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Sri Mohd. Mohsin Ali Ansari

Witnesses examined for the

Respondent

MW1: Sri S. Rama Murthy

#### Documents marked for the Petitioner

Ex.W1: Service certificate of Petitioner dt. 16.8.1993

Ex.W2: Photostat copy of representation of Petitioner dt.29.1.2004

Ex.W3: Photostat copy of representation of Petitioner dt. 11.2.2004

Ex.W4: Photostat copy of representation of Petitioner dt.24.2.2004

Ex.W5: Photostat copy of rejection letter from Appellate Authority dt.9.6.2008

#### Documents marked for the Respondent

Ex.M1: Photostat copy of order of Labour Court

Ex.M2: Photostat copy of By-Law of ICAR

Ex.M3: Photostat copy of details of material papers

Ex.M4: Photostat copy of Form III filed by N.V. Kishnaiah containing his original signature.

नई दिल्ली, 14 फरवरी, 2024

का.आ. 341.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अतिरिक्त. मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); प्रोजेक्ट मैनेजर,

एरा इन्फ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधन के संबंध में नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट(संदर्भ संख्या CGIT/LC/R/71/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.02.2024 को प्राप्त हुआ था।

[सं. एल-42011/05/2017-आई आर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th February, 2024

**S.O. 341.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/71/2017) of the **Central Government Industrial Tribunal cum Labour Court-Jabalpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Addl. Manager & HR(Head) ,M/s Era Infra Engineering Ltd., Sector-62 -NOIDA (U.P.) ;The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, Po- Ujjwal Nagar , Bilaspur-(Chhattisgarh) ;The General Manager (O&M) NTPC, Seepat, Po- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur,(Chhattisgarh)**, which was received along with soft copy of the award by the Central Government on 07.02.2024.

[No. L- 42011-05-2017-IR(DU)]

DILIP KUMAR, Under Secy.

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/71/2017

Present: P.K.Srivastava

H.J.S..( Retd)

Shri Om Prakash Gangotri

President, Chhattisgarh Kramchhari Mazdoor

Ekta Union, Bilaspur

BILASPUR(Chhattisgarh)

Workman

Versus

The Addl. Manager & HR(Head)

M/s Era Infra Engineering Ltd.

C-56/41, Sector-62

NOIDA (U.P.) -201301

The Project Manager,

Era Infra Engineering Ltd. NTPC,

Seepat Site, Po- Ujjwal Nagar

BILASPUR(Chhattisgarh)

The General Manager(O&M)

NTPC, Seepat, Po- Ujjwal Nagar

BILASPUR(Chhattisgarh)

Management

**AWARD****(Passed on this 02<sup>Th</sup> day of January-2024.)**

As per letter dated 09/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42011/05/2017 IR(DU)) dt. 09/05/2017. The dispute under reference related to :-

**"Whether the action on the part of M/s Era infra engineering ltd, a contractor working under the principal employer at NTPC, seepat site in terminating the workman namely smt. Sakuntla w/o Shri Hem Prasad and not paying the terminal benefits as espoused by the president of the Chhattisgarh Kramchari mazdoor ekta union, Bilaspur is legal and justified as per the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"**

After registering the case on reference received, Notices were sent to the parties and were duly served on them. Learned Counsel for workman sought time for filing a statement of claim along with all the documents and granted accordingly. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense. Although management was present several time.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be dismissed and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 फरवरी, 2024

का.आ. 342.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अतिरिक्त मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इन्फ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); प्रोजेक्ट मैनेजर, एरा इन्फ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/73/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.02.2024 को प्राप्त हुआ था।

[सं. एल-42011/16/2017-आई आर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th February, 2024

**S.O. 342.**—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/73/2017) of the **Central Government Industrial Tribunal cum Labour-Jabalpur**, as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Addl. Manager & HR(Head) ,M/s Era Infra Engineering Ltd., Sector-62 -NOIDA (U.P.) ;The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, Po- Ujjwal Nagar , Bilaspur-(Chhattisgarh) ;The General Manager (O&M) NTPC, Seepat, Po- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur,(Chhattisgarh)**, which was received along with soft copy of the award by the Central Government on 07.02.2024.

[No. 42011/16/2017-IR(DU)]

DILIP KUMAR, Under Secy.

**ANNEXURE**

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR**

**NO. CGIT/LC/R/73/2017**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

**Shri Om Prakash Gangotri  
President, Chhattisgarh Kramchari Mazdoor  
Ekta Union, Bilaspur  
BILASPUR(Chhattisgarh)**

**Workman**

## Versus

**The Addl. Manager & HR(Head)**  
**M/s Era Infra Engineering Ltd.**  
**C-56/41, Sector-62**  
**NOIDA (U.P.) -201301**  
**The Project Manager,**  
**Era Infra Engineering Ltd. NTPC,**  
**Seepat Site, Po- Ujjwal Nagar**  
**BILASPUR(Chhattisgarh)**  
**The General Manager(O&M)**  
**NTPC, Seepat, Po- Ujjwal Nagar**  
**BILASPUR(Chhattisgarh)**

Management

## AWARD

(Passed on this 02th day of January-2024.)

As per letter dated 22/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42011/16/2017-IR(DU) dt. 22/05/2017. The dispute under reference related to :-

**"Whether the action on the part of M/s Era infra engineering ltd, a contractor working under the principal employer at NTPC, Seepat site in terminating the workman namely Shri Tilkeshwar Sahu s/o Shri Santosh Sahu and not paying the terminal benefits as espoused by the president of the Chhattisgarh Kramchari mazdoor ekta union, Bilaspur is legal and justified as per the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"**

After registering the case on reference received, Notices were sent to the parties and were duly served on them. Learned Counsel for workman sought time for filing a statement of claim along with all the documents and granted accordingly. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense. Although management was present several time.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be dismissed and is answered accordingly.

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 14 फरवरी, 2024

**का.आ. 343.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अतिरिक्त. मैनेजर एवं एचआर (प्रमुख), मेसर्स एरा इंफ्रा इंजीनियरिंग लिमिटेड, सेक्टर-62-नोएडा (यूपी); प्रोजेक्ट मैनेजर, एरा इंफ्रा इंजीनियरिंग लिमिटेड एनटीपीसी, सीपत साइट, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़); महाप्रबंधक (ओ एंड एम) एनटीपीसी, सीपत, पोस्ट-उज्ज्वल नगर, बिलासपुर-(छत्तीसगढ़), के प्रबंधन के संबद्ध नियोजकों और अध्यक्ष, छत्तीसगढ़ कर्मचारी मजदूर एकता यूनियन, बिलासपुर, (छ.ग.), के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर पंचाट (संदर्भ संख्या CGIT/LC/R/72/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 07.02.2024 को प्राप्त हुआ था।**

[सं. एल-42011/11/2017-आई आर (डीयू)]

दिलीप कुमार, अवर सचिव

New Delhi, the 14th February, 2024

**S.O. 343.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. CGIT/LC/R/72/2017) of the Central Government Industrial Tribunal cum Labour-Jabalpur, as shown in the Annexure, in the Industrial dispute between the employers in relation to The Addl. Manager & HR(Head) ,M/s Era Infra Engineering Ltd., Sector-62 -NOIDA (U.P.) ;The Project Manager, Era Infra Engineering Ltd. NTPC, Seepat Site, Po- Ujjwal Nagar , Bilaspur-(Chhattisgarh) ; The General Manager (O&M) NTPC, Seepat, Po- Ujjwal Nagar Bilaspur-(Chhattisgarh), and The President, Chhattisgarh Employees Mazdoor Ekta Union, Bilaspur,(Chhattisgarh), which was received along with soft copy of the award by the Central Government on 07.02.2024.**

[No. L- 42011/11/2017-IR(DU)]

DILIP KUMAR, Under Secy.



**ANNEXURE****BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,  
JABALPUR****NO. CGIT/LC/R/72/2017****Present: P.K.Srivastava****H.J.S..( Retd)****Shri Om Prakash Gangotri  
President, Chhattisgarh Kramchari Mazdoor  
Ekta Union, Bilaspur  
BILASPUR(Chhattisgarh)****Workman****Versus****The Addl. Manager & HR(Head)  
M/s Era Infra Engineering Ltd.  
C-56/41, Sector-62  
NOIDA (U.P.) -201301  
The Project Manager,  
Era Infra Engineering Ltd. NTPC,  
Seepat Site, Po- Ujjwal Nagar  
BILASPUR(Chhattisgarh)  
The General Manager(O&M)  
NTPC, Seepat, Po- Ujjwal Nagar  
BILASPUR(Chhattisgarh)****Management****AWARD****(Passed on this 02<sup>Th</sup> day of January-2024.)**

As per letter dated 10/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this tribunal under section-10 of I.D. Act, 1947 as per reference number L-42011/11/2017 IR(DU)) dt. 10/05/2017 . The dispute under reference related to :-

**"Whether the action on the part of M/s Era infra engineering ltd, a contractor working under the principal employer at NTPC, seepat site in terminating the workman namely Shri Madhu Ram and not paying the terminal benefits as espoused by the president of the Chhattisgarh Kramchari mazdoor ekta union, Bilaspur is legal and justified as per the provisions of section 25 (F) of ID Act? If not, what relief the above named workman is entitled to?"**

After registering the case on reference received, Notices were sent to the parties and were duly served on them. Learned Counsel for workman sought time for filing a statement of claim along with all the documents and granted accordingly. In Spite of service of notices, the workman was never appeared nor did he file any statement of claim, management also did not file any written statement of defense. Although management was present several time.

Since None of the parties filed any pleading nor did file any evidence, holding the claim of workman not proved the reference deserves to be dismissed and is answered accordingly.

**P. K. SRIVASTAVA, Presiding Officer**